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LIMITE

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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Energy
Subject:	DE comments on the Gas Directive

Delegations will find in the annex the DE comments on the Gas Directive.

Council of the European Union

PUBLIC

Brussels, 3 May 2023
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8934/23

Interinstitutional File:
2021/0425(COD)

LIMITE

ENER 219
ENV 447
CLIMA 223
IND 215
RECH 159
COMPET 397
ECOFIN 396
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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common rules for the internal markets in renewable and natural gases and in hydrogen (recast)

Delegations will find in the Annex the 4-column table regarding the above-mentioned proposal.

Delegations are invited to submit written comments to the Secretariat [redacted], by **23 May, 18:00**. Comments can be included directly in the 4th column, or in a separate document.

Comments by

Germany

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common rules for the internal markets in renewable and natural gases and in hydrogen (recast)

2021/0425(COD)
Draft for Member States comments
02-05-2023

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2021/0425 (COD)	2021/0425 (COD)	2021/0425 (COD)	
Proposal Title				
2	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common rules for the internal markets in renewable and natural gases and in hydrogen (recast)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common rules for the internal markets in renewable and natural gases and in hydrogen (recast)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common rules for the internal markets in renewable and natural gases and in hydrogen (recast) **(Text with EEA relevance)**	
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ […], […], p. […].	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ […], […], p. […].	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ […], […], p. […].	
Citation 5				
8	Having regard to the opinion of the Committee of the Regions[1], _____	Having regard to the opinion of the Committee of the Regions[1], _____	Having regard to the opinion of the Committee of the Regions[1], _____	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. OJ […], […], p. […].	1. OJ […], […], p. […].	1. OJ […], […], p. […].	
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Formula				
10	Whereas:	Whereas:	Whereas:	
Recital 1				
11	(1) Directive 2009/73/EC of the European Parliament and of the Council[1] has been substantially amended several times[2]. Since further amendments are to be made, that Directive should be recast in the interests of clarity. _____ 1. Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94). 2. See Annex III, Part A.	(1) Directive 2009/73/EC of the European Parliament and of the Council[1] has been substantially amended several times[2]. Since further amendments are to be made, that Directive should be recast in the interests of clarity. _____ 1. Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94). 2. See Annex III, Part A.	(1) Directive 2009/73/EC of the European Parliament and of the Council[1] has been substantially amended several times[2]. Since further amendments are to be made, that Directive should be recast in the interests of clarity. _____ 1. Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94). 2. See Annex III, Part A.	
Recital 2				
12				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(2) The internal market in natural gas, which has been progressively implemented throughout the Union since 1999, aims to deliver real choice for all consumers of the European Union, be they citizens or businesses, new business opportunities and more cross-border trade, so as to achieve efficiency gains, competitive prices, and higher standards of service, and to contribute to security of supply and sustainability.	(2) The internal market in natural gas, which has been progressively implemented throughout the Union since 1999, aims to deliver real choice for all consumers of the European Union, be they citizens or businesses, new business opportunities and more cross-border trade, so as to achieve efficiency gains, competitive prices, and higher standards of service, and to contribute to security of supply and sustainability.	(2) The internal market in natural gas, which has been progressively implemented throughout the Union since 1999, aims to deliver real choice for all consumers of the European Union, be they citizens or businesses, new business opportunities and more cross-border trade, so as to achieve efficiency gains, competitive prices, and higher standards of service, and to contribute to security of supply and sustainability.	
Recital 3				
13	(3) Directive 2003/55/EC of the European Parliament and of the Council and Directive 2009/73/EC of the European Parliament and of the Council have made a significant contribution towards the creation of such an internal market in natural gas.	(3) Directive 2003/55/EC of the European Parliament and of the Council and Directive 2009/73/EC of the European Parliament and of the Council have made a significant contribution towards the creation of such an internal market in natural gas.	(3) Directive 2003/55/EC of the European Parliament and of the Council and Directive 2009/73/EC of the European Parliament and of the Council have made a significant contribution towards the creation of such an internal market in natural gas.	
13a		***(3a) Internal market rules for gaseous fuels need to be aligned with the Union's climate and energy law, in particular,***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Regulation (EU) 2021/1119 of the European Parliament and of the Council[5]. The legal framework set out by this Directive is therefore amended accordingly.		
		5. Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1)).		
13b		***(3b) In response to the hardships and global energy market disruption caused by Russia's unprovoked and unjustified military aggression against Ukraine, and in line with the communication of the Commission of 18 May 2022 'REPowerEU Plan' (the 'REPowerEU Plan'), the Union and the Member States should phase out its dependency on Russian energy imports as soon as possible and well before 2030, because those imports are detrimental to the objectives of the Energy Union, including***		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		energy solidarity, to effective functioning of and competition in the internal energy market, as well as to security of energy supply and the essential security interests of the Union and of the Member States.		
13c		***(3c) The REPowerEU Plan pledge to phase out Russian gas imports as soon as possible, equalling 155bcm in 2019 and representing 40 % of final fossil gas demand, translates into a higher ambition for the gas savings and the acceleration of the uptake of renewable alternatives, including biomethane, electricity, district heating and cooling, as well as the ramp-up of the European hydrogen market. Taking into account the fact that fossil gas demand in the Union has been rising over the recent years, there is a need to establish governance underpinning that ambition and the Union's independence.***		
Recital 4				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
14	(4) As part of the Package "Clean Energy for all Europeans" proposed by the Commission on 30 November 2016, Regulation (EU) 2019/943[1] and Directive (EU) 2019/944[2] brought about a further step in the development of the internal market for electricity with citizens at its core and contributing to the Union's objectives of transition to a clean energy system and reducing greenhouse gas emissions. The internal market in natural gas should be built on those same principles and, in particular, ensure an equal level of consumer protection. _____ 1. Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (OJ L 158, 14.6.2019, p. 54). 2. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125).	(4) As part of the Package ***'***Clean Energy for all Europeans***'*** proposed by the Commission on 30 November 2016, Regulation (EU) 2019/943 ***of the European Parliament and of the Council***[6] and Directive (EU) 2019/944 ***of the European Parliament and of the Council***[7] brought about a further step in the development of the internal market for electricity with citizens at its core and contributing to the Union's objectives of transition to a clean energy system and reducing greenhouse gas emissions. The internal market in natural gas should be built on those same principles and, in particular, ensure an equal level of consumer protection. ***In particular, Union energy policy should address vulnerable customers and tackle energy poverty.*** _____ ***6. Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (OJ L 158, 14.6.2019, p. 54).*** ***7. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125).***	(4) As part of the Package "Clean Energy for all Europeans" proposed by the Commission on 30 November 2016, Regulation (EU) 2019/943[1] and Directive (EU) 2019/944[2] brought about a further step in the development of the internal market for electricity with citizens at its core and contributing to the Union's objectives of transition to a clean energy system and reducing greenhouse gas emissions. The internal market in natural gas should be built on those same principles and, in particular, ensure an equal level of consumer protection. _____ 1. Regulation (EU) 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity (OJ L 158, 14.6.2019, p. 54). 2. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 5				
15	(5) The Union has aims to cut greenhouse gas emissions. It has therefore adopted a set of initiatives to reach that goal, including the energy system integration strategy and the hydrogen strategy published by the Commission in July 2020, which set out how to update the energy markets, including the decarbonisation of gas markets as well as Regulation (EU) 2018/1999 and Regulation (EU) 2021/1119. This Directive should contribute to achieving these goals, ensuring security of supply and a well-functioning internal market for gases, including for hydrogen.	(5) The Union ***must*** cut greenhouse gas emissions ***and promote modern, decentralised, efficient and integrated energy systems***. It has therefore adopted a set of initiatives to reach that goal, including the energy system integration strategy***, the communication of the Commission of 8 July 2020 on a*** hydrogen strategy ***for a climate-neutral Europe (the 'EU Hydrogen Strategy'),*** Commission ***Recommendation (EU) 2021/1749[8], European Parliament resolution of 10*** July 2020 ***on a comprehensive European approach to energy storage[9] as well as Regulations (EU) 2018/1999 and(EU) 2021/1119*** which ***together*** set out how to update the energy markets, including the decarbonisation of gas markets ***. Those initiatives also call for transitioning to a more decentralised energy system with energy efficiency and energy system efficiency at its core, greater direct electrification of end-use sectors, prioritising***	(5) The Union has aims to cut greenhouse gas emissions. It has therefore adopted a set of initiatives to reach that goal, including the energy system integration strategy **(COM(2020))299 final** and the hydrogen strategy **(COM/2020/301)** published by the Commission in July 2020, which set out how to update the energy markets, including the decarbonisation of gas markets as well as Regulation (EU) 2018/1999 and Regulation (EU) 2021/1119. This Directive should contribute to achieving these goals, ensuring security of supply and a well-functioning internal market for gases, including for hydrogen.	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		demand-side solutions whenever they are more cost-effective than investments in energy infrastructure, greater focus on energy storage solutions, and prioritising the use of hydrogen for end-users in hard-to-decarbonise sectors where no other more energy and cost-efficient alternatives are available. The Union has also adopted a set of initiatives and mandatory targets to encourage decarbonisation in those sectors. This Directive should contribute to achieving ***those*** goals ***as well as the REPowerEU Plan ambition to phase out fossil imports from Russia as soon as possible*** ensuring security of supply and a well-functioning internal market for ***gas***, including for hydrogen***, and facilitating efficient and integrated energy systems***. _____ ***8. Commission Recommendation (EU) 2021/1749 of 28 September 2021 on Energy Efficiency First: from principles to practice — Guidelines and examples for its implementation in decision-making in the energy sector and beyond (OJ L 350, 4.10.2021, p. 9).*** ***9. OJ C 371, 15.9.2021, p. 58.***		

PUBLIC

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15a			**(5a) This Directive should be seen in conjunction with other policy and legislative instruments, notably those proposed under the European Green Deal. Many of these other proposed instruments, such as the extension of the Union's [Emission Trading System, the Effort Sharing Regulation, the Reneweble Energy Directive, the Energy Efficiency Directive, the ReFuelEU initiatives and the proposed revision of the Energy Taxation Directive seek to incentivise the decarbonisation of the Union's economy and ensure its remains on a trajectory towards a climate neutral European Union by 2050, as mandated by the European Climate Law]. The main objective of this Directive is however not to incentivise the transition but to enable and facilitate it by ensuring the continuing existence of efficient markets for gases.**	
Recital 6				
16				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(6) This Directive aims to facilitate the penetration of renewable and low-carbon gases into the energy system enabling a shift from fossil gas and to allow these new gases to play an important role towards achieving the EU's 2030 climate objectives and climate neutrality in 2050. The Directive aims also to set up a regulatory framework which enables and incentivises all market participants to take the transitional role of fossil gas into account while planning their activities to avoid lock-in effects and ensure gradual and timely phase-out of fossil gas notably in all relevant industrial sectors and for heating purposes.	(6) This Directive aims to facilitate the penetration of renewable ***gas*** and low-carbon ***gas*** into the energy system enabling a shift from fossil gas and to allow ***such new gas to make their contribution*** towards achieving the ***Union***'s 2030 ***energy and*** climate objectives and climate neutrality in 2050***, as well as to steering of gaseous molecules towards those applications and sectors that cannot be directly electrified with renewables, with this creating the necessary space for renewables electricity and other thermal renewables for heating and transport purposes. This*** Directive aims also to set up a regulatory framework which enables and incentivises all market participants to ***shift away from*** fossil gas ***and plan*** their activities to avoid lock-in effects and ensure gradual and timely phase-out of fossil gas notably in all relevant industrial sectors and for heating purposes.	(6) This Directive aims to facilitate the penetration of renewable and low-carbon gases into the energy system enabling a shift from fossil gas and to allow these new gases to play an important role towards achieving the EU's 2030 climate objectives and climate neutrality in 2050. The Directive aims also to set up a regulatory framework which enables and incentivises all market participants to take the transitional role of fossil gas into account while planning their activities to avoid lock-in effects and ensure gradual and timely phase-out of fossil gas notably in all relevant industrial sectors and for heating purposes.	
16a			**(6a) In the trajectory for the European Union to achieve**	

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			climate neutrality by 2050, energy saving and direct electrification are expected to present the most cost-effective and energy-efficient decarbonisation option in many cases. There will however remain a number of end-use applications where this might not be feasible or have higher costs. In such cases, it may be relevant to use renewable or low-carbon gases and fuels, including biomethane and renewable and low-carbon hydrogen. The incentives created by the European Green Deal Package are thus expected to result in a fundamental change in the structure of energy demand in general and that for gases in particular. For instance, where today natural gas is widely used for space heating purposes, this demand is expected to be met largely by other energy carriers, such as through electrified space heating appliances, in the future. The future use-cases for hydrogen are expected to primarily be in otherwise hard to decarbonise sectors. These include a number of industrial processes, but also	

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			transport modes such as long haul heavy duty road transport, aviation and maritime. As the precise decarbonisation trajectories, role of energy carriers and their use cases will also depend on local starting points, endowments and circumstances, they should not be prescribed in detail. Efficient markets will ensure that, given local endowment and cirsumstances, consumers incentivised by other policy instruments are empowered to choose the decarbonisation options most suited to their particular use-case.	
16b		***(6a) The integration of biomethane in the natural gas system supports the Union's climate objectives and helps to diversify the energy supply in line with the REPowerEU Plan. Requests for the grid connection of renewable gas production should be assessed within reasonable time limits and permitting procedures should not be hampered by a lack of***		

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		administrative capacities. It should be possible to prioritise connection requests for renewable gas production over connection request for the production of natural gas and low-carbon gas.		
Recital 7				
17	(7) The EU hydrogen strategy recognises that, as EU Member States have different potential for the production of renewable hydrogen, an open and competitive EU market with unhindered cross-border trade has important benefits for competition, affordability, and security of supply. Moreover, it stresses that moving towards a liquid market with commodity-based hydrogen trading would facilitate entry of new producers and be beneficial for deeper integration with other energy carriers. It would create viable price signals for investments and operational decisions. The rules laid down in this Directive should thus be conducive for hydrogen markets, commodity-based hydrogen trading and liquid trading hubs to	(7) The EU hydrogen strategy recognises that, as EU Member States have different potential for the production of renewable hydrogen, an open and competitive EU market with unhindered cross-border trade has important benefits for competition, affordability, and security of supply. Moreover, it stresses that moving towards a liquid market with commodity-based hydrogen trading would facilitate entry of new producers and be beneficial for deeper integration with other energy carriers. It would create viable price signals for investments and operational decisions. The rules laid down in this Directive should thus be conducive for hydrogen markets, commodity-based hydrogen trading and liquid trading hubs to	(7) The EU hydrogen strategy recognises that, as EU Member States have different potential for the production of renewable hydrogen, an open and competitive EU market with unhindered cross-border trade has important benefits for competition, affordability, and security of supply. Moreover, it stresses that moving towards a liquid market with commodity-based hydrogen trading would facilitate entry of new producers and be beneficial for deeper integration with other energy carriers. It would create viable price signals for investments and operational decisions. The rules laid down in this Directive should thus be conducive for hydrogen markets, commodity-based hydrogen trading and liquid trading hubs to	

PUBLIC

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	emerge and any undue barriers in this regard should be eliminated by Member States. Whilst recognising the inherent differences, existing rules that enabled efficient commercial operations developed for the electricity and gas markets and trading should be rendered applicable to Union hydrogen markets to the extent appropriate and within a suitable time frame.	emerge and any undue barriers in this regard should be eliminated by Member States. Whilst recognising the inherent differences, existing rules that enabled efficient commercial operations developed for the electricity and gas markets and trading should be rendered applicable to Union hydrogen markets to the extent appropriate and within a suitable time frame***, also taking into account methane and hydrogen leakages***.	emerge and any undue barriers in this regard should be eliminated by Member States. Whilst recognising the inherent differences, existing rules that enabled efficient commercial operations developed for the electricity and gas markets and trading should be rendered applicable to Union hydrogen markets to the extent appropriate and within a suitable time frame.	
17a		***(7a) Hydrogen should be prioritised for feedstock, raw material or energy purposes in hard-to-decarbonise industries such as steel or chemicals and hard-to-decarbonise maritime and aviation applications. Conversely, all efforts should be made to avoid the use of hydrogen for applications where more energy or cost efficient alternatives exist. Other renewable gas, such as biogas, will be able to contribute to the energy and climate goal as long as they are produced using only***		*Maintain Council wording in Recital 6a which is less prescriptive*

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		truly sustainable feedstocks, such as waste and residues referred to in Annex IX, Part A, of Directive (EU) 2018/2001 of the European Parliament and of the Council[10]. ***10. Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).***		
Recital 8				
18	(8) In line with the EU Hydrogen Strategy, renewable hydrogen is expected to be deployed on a large-scale from 2030 onwards for the purpose of decarbonising certain sectors, ranging from aviation and shipping to hard-to-decarbonise industrial sectors. All final customers connected to hydrogen systems will benefit from basic consumer rights applicable to final customers connected to the natural gas system such as the right to switch supplier and accurate billing information. In those instances where customers are connected to the hydrogen network, e.g. industrial customers, they will benefit from the same consumer	(8) In line with the EU Hydrogen Strategy ***and the REPowerEU Plan, 10 mt of domestic*** renewable hydrogen ***and 10 mt of imported renewable hydrogen are*** expected to be deployed ***already by 2030 and*** onwards for the purpose of ***increasing the flexibility of the electricity system and*** decarbonising certain sectors ***and applications where no other more energy or cost efficient alternative is available***, ranging from aviation and shipping to hard-to-decarbonise industrial sectors. ***In addition, hydrogen will contribute to replacing Russian fossil fuels as swift as possible. Hydrogen use from domestic production or imported from third countries***	(8) In line with the EU Hydrogen Strategy, renewable hydrogen is expected to be deployed on a large-scale from 2030 onwards for the purpose of decarbonising certain sectors, ranging from aviation and shipping to hard-to-decarbonise industrial sectors. All final customers connected to hydrogen systems will benefit from basic consumer rights applicable to final customers connected to the natural gas system such as the right to switch supplier and accurate billing information. In those instances where customers are connected to the hydrogen network, e.g. industrial customers, they will benefit from the same consumer	*Suggest to focus on the consumer protection aspects in Rec. 8*

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	protection rights applicable to natural gas customers. However, consumer provisions designed to encourage household participation on the market such as price comparison tools, active customers and citizen energy communities do not apply to the hydrogen system.	***should be prioritised in hard-to-decarbonise sectors in which more energy and cost-efficient options are not available.*** All final customers connected to hydrogen systems will benefit from basic consumer rights applicable to final customers connected to the natural gas system such as the right to switch supplier and accurate billing information. In those instances where customers are connected to the hydrogen network, e.g. industrial customers, they will benefit from the same consumer protection rights applicable to natural gas customers. However, consumer provisions designed to encourage household participation on the market***,*** such as price comparison tools ***and*** active customers***,*** do not apply to the hydrogen system.	protection rights applicable to natural gas customers. However, consumer provisions designed to encourage household participation on the market such as price comparison tools, active customers and citizen energy communities do not apply to the hydrogen system.	
Recital 9				
19	(9) In line with the EU Hydrogen Strategy, the priority for the EU is to develop renewable hydrogen produced using mainly wind and solar energy. Renewable hydrogen is the most compatible option with the EU's climate neutrality and	(9) In line with the EU Hydrogen Strategy, the priority for the ***Union*** is to develop renewable hydrogen produced using mainly wind and solar energy. Renewable hydrogen ***produced using biomass energy falls under the definition of***	(9) In line with the EU Hydrogen Strategy, the priority for the EU is to develop renewable hydrogen produced using mainly wind and solar energy. Renewable hydrogen is the most compatible option with the EU's climate neutrality and	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	zero pollution goal in the long term and the most coherent with an integrated energy system. However, low-carbon fuels (LCFs) such as low-carbon hydrogen (LCH) may play a role in the energy transition, particularly in the short and medium term to rapidly reduce emissions of existing fuels, and support the uptake of renewable fuels such as renewable hydrogen. In order to support the transition, it is necessary to establish a threshold for greenhouse gas emission reductions for low-carbon hydrogen and synthetic gaseous fuels. Such threshold should become more stringent for hydrogen produced in installations starting operations from 1 January 2031 to take into account technological developments and better stimulate the dynamic progress towards the reduction of greenhouse gas emissions from hydrogen production. The EU Energy System Integration strategy highlighted the need to deploy an EU–wide certification system to also cover low-carbon fuels with the aim to enable Member States to compare them with other decarbonisation options	***biogas, as defined in Article 2, point (28), of Directive (EU) 2018/2001. Renewable hydrogen*** is the ***only option*** compatible with the ***Union***'s climate neutrality and zero pollution goal in the long term and the most coherent with an integrated energy system. However, ***renewable hydrogen production is not likely to scale fast enough to meet the expected growth in demand for hydrogen in the Union. Therefore,*** low-carbon fuels (LCFs)***,*** such as low-carbon hydrogen (LCH)***,*** may play a role in the energy transition ***in line with the Union climate targets***, particularly in the short and medium term to rapidly reduce emissions of existing fuels, and support the ***transition of the Union's industry in hard-to-decarbonise sectors in which more energy or cost-efficient options are not available, including in heavy-duty transport***. In order to support the transition, it is necessary to ***adopt a technology-neutral approach and to*** establish a threshold for greenhouse gas emission reductions for low-carbon hydrogen and synthetic gaseous	zero pollution goal in the long term and the most coherent with an integrated energy system. However, low-carbon fuels (LCFs) such as low-carbon hydrogen (LCH) may play a role in the energy transition, particularly in the short and medium term to rapidly reduce emissions of existing fuels, and support the uptake of renewable fuels such as renewable hydrogen. In order to support the transition, it is necessary to establish a threshold for greenhouse gas emission reductions for low-carbon hydrogen and synthetic gaseous fuels. Such threshold should become more stringent for hydrogen produced in installations starting operations from 1 January 2031 to take into account technological developments and better stimulate the dynamic progress towards the reduction of greenhouse gas emissions from hydrogen production. The EU Energy System Integration strategy highlighted the need to deploy an EU–wide certification system to also cover low-carbon fuels with the aim to enable Member States to compare them with other decarbonisation options	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and consider them in their energy mix as a viable solution. In order to ensure that LCF have the same decarbonisation impact as compared to other renewable alternatives it is important that they are certified by applying a similar methodological approach based on a life cycle assessment of their total greenhouse gas ('GHG') emissions. This would allow deploying a comprehensive EU-wide certification system, covering the whole Union energy mix. Taking into consideration that LCF and LCH are not renewable fuels, their terminology and certification could not be included in the proposal for the revision of Directive (EU) 2018/2001 of the European Parliament and of the Council[1]. Therefore, their inclusion in this Directive fills in this gap. 1. Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).	fuels. Such threshold should become more stringent for hydrogen produced in installations starting operations from 1 January 2031 to take into account technological developments and better stimulate the dynamic progress towards the reduction of greenhouse gas emissions from hydrogen production. The EU Energy System Integration strategy highlighted the need to deploy an EU–wide certification system to also cover low-carbon fuels with the aim ***of enabling*** Member States to compare them with other decarbonisation options and consider them in their energy mix as a viable solution. In order to ensure that LCF have the same decarbonisation impact as compared to other renewable alternatives it is important that they are certified by applying a similar methodological approach based on a life cycle assessment of their total greenhouse gas ('GHG') emissions***, which should take into account at least upstream emissions from extraction of the fossil fuel, feedstock production and transportation, emissions from LCF production and processing, and emissions from***	and consider them in their energy mix as a viable solution. In order to ensure that LCF have the same decarbonisation impact as compared to other renewable alternatives it is important that they are certified by applying a similar methodological approach based on a life cycle assessment of their total greenhouse gas ('GHG') emissions. This would allow deploying a comprehensive EU-wide certification system, covering the whole Union energy mix. Taking into consideration that LCF and LCH are not renewable fuels, their terminology and certification could not be included in the proposal for the revision of Directive (EU) 2018/2001 of the European Parliament and of the Council[1]. Therefore, their inclusion in this Directive fills in this gap. 1. Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		transportation and distribution of LCF as well end-use emissions, considering methane leakages all along the value chain. Until the delegated act defining the methodology is adopted, the requirements of Commission Delegated Regulation (EU) 2021/2139[11] for hydrogen production should be guiding the definition of LCF for funding purposes. This would allow deploying a comprehensive ***Union-wide*** certification system, covering the whole Union energy mix. Taking into consideration that LCF and LCH are not renewable fuels, their terminology and certification could not be included in the proposal for the revision of Directive (EU) 2018/2001▌ . Therefore, their inclusion in this Directive fills in this gap. ***When using the Union Database as single mass balance system for the certification of renewable and low LCF, there should be no physical tracking of the molecules inside the single mass balance system.*** _____ ***11. Commission Delegated Regulation (EU) 2021/2139 of 4 June 2021 supplementing Regulation (EU) 2020/852 of the European Parliament***		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		and of the Council by establishing the technical screening criteria for determining the conditions under which an economic activity qualifies as contributing substantially to climate change mitigation or climate change adaptation and for determining whether that economic activity causes no significant harm to any of the other environmental objectives (OJ L 442, 9.12.2021, p. 1). [redacted]		
19a		***(9a) Although priority should be given to promoting a domestic hydrogen production within the Union, the Union may not be able to produce enough renewable and low-carbon hydrogen to meet its demand. Imports of renewable and low-carbon hydrogen are likely to be necessary for the rapid availability of large quantities of hydrogen catering for the Union's demand, in particular from neighbouring countries and regions such as Norway, Ukraine, North Africa and the Middle East. Therefore, the Commission and the Member states should engage in an open and constructive dialogue in order to establish mutually***		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		beneficial cooperation and partnerships with neighbouring regions safeguarding the Union's strategic interests and the energy security of both the Union and its partners. Hydrogen partnerships and intergovernmental agreement with third countries on hydrogen imports should contribute to the creation of clean and new technology markets through the transfer of knowledge and the achievement of the United Nations Sustainable Development goals. A level playing-field, based on equivalent rules or standards in third countries in terms of environmental protection, sustainability and mitigating climate change should be promoted while avoiding negative social or environmental effects, for example the relocation of environmental impacts, including greenhouse gas emissions, any delay in the decarbonisation of energy in third countries, access to energy for local population, threats to the drinking water supply or exploitative working conditions. In that context, hydrogen production and export from third countries should be subject to internationally		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		recognised due diligence principles, such as the United Nations Guiding Principles on Business and Human Rights, the OECD Guidelines for Multinational Enterprises and the OECD Due Diligence Guidance for Responsible Business Conduct (RBC). Hydrogen should become an element of the Union's international cooperation, inter alia within the framework of the International Renewable Energy Agency's (IRENA's) work, research cooperation, climate and energy diplomacy and the European Neighbourhood Policy. The certification and life cycle assessment methodology of LCF should also apply to imports. This would ensure that partner countries can easily identify the Union requirements for LCF to be certified as such, ensure market confidence, and foster transparent imports of LCF. By developing such a methodology, the Union can also take a leading role in developing global standards for LCF certification and strengthen its role as a global climate leader, using its climate diplomacy to develop mutually		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		beneficial cooperation with exporting partners.		
19b		***(9b) Against the background of the EU Hydrogen Strategy and REPowerEU Plan, the Commission should assess in the report whether additional measures such as setting an indicative greenhouse gas intensity reduction target for gas consumed in the Union by 2030 may be necessary to cater for an investment and pathway for further upscaling of renewable gas and low carbon gas across the Union, while taking into account the gradual phase-out of fossil gas and the assumed reduction of demand for gas in sectors other than hard-to-decarbonise sectors where no other more energy and cost-efficient options are available. Such measures could provide predictability to customers, in particular in hard-to-decarbonise sectors, to make the necessary investments to transform their operations. Without prejudice to the prioritisation of the roll-out***		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		and uptake of renewable gas, they may also enable different technologies to contribute towards the Union indicative target and the overall Union decarbonisation commitments. Low-carbon gas should be regarded as transitional as long as renewable gas, in particular renewable hydrogen, are a scarce source.		
19c		***(9c) Hydrogen corridors as identified in the REPowerEU Plan should be supported by the corresponding dedicated hydrogen infrastructure, including hydrogen networks, hydrogen storage and hydrogen import terminals in order to meet the REPowerEU Plan targets for hydrogen production and imports by 2030. Therefore, the network development plans should identify investment gaps, in particular with regard to ensuring sufficient cross-border capacities which are needed for the establishment of an integrated European hydrogen market enabling hydrogen to move freely across the borders,***		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		taking into account the hydrogen storage development and the integration of hydrogen imports.		
19d		***(9d) The definition of hydrogen ready infrastructure and end-use applications should ensure a common approach in Union funding programmes and the revised Climate and Energy state aid guidelines.***		
Recital 10				
20	(10) The freedoms which the Treaty guarantees the citizens of the Union — inter alia, the free movement of goods, the freedom of establishment and the freedom to provide services — are achievable only in a fully open market, which enables all consumers freely to choose their suppliers and all suppliers freely to deliver to their customers.	(10) The freedoms which the Treaty guarantees the citizens of the Union — inter alia, the free movement of goods, the freedom of establishment and the freedom to provide services — are achievable only in a fully open market, which enables all consumers freely to choose their suppliers and all suppliers freely to deliver to their customers.	(10) The freedoms which the Treaty guarantees the citizens of the Union — inter alia, the free movement of goods, the freedom of establishment and the freedom to provide services — are achievable only in a fully open market, which enables all consumers freely to choose their suppliers and all suppliers freely to deliver to their customers.	
20a				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(10a) Member States should, in respect of a fully open market, still be able to plan their energy mix. Member States are able to choose to strategically close and adjust part of their distribution system in order to phase out the supply of natural gas to households to ensure the transition into a sustainable and effective system.	
Recital 11				
21	(11) Consumer interests should be at the heart of this Directive and quality of service should be a central responsibility of natural gas undertakings. Existing rights of consumers and rights for access to essential services, including energy, and safeguarding against energy poverty, as stated in the European Pillar of Social Rights communication need to be strengthened and guaranteed, and should include greater transparency. Consumer protection should ensure that all consumers in the wider remit of the Union benefit from a competitive gas market. Consumer rights should be enforced by Member States or,	(11) Consumer interests should be at the heart of this Directive and quality of service should be a central responsibility of natural gas undertakings. Existing rights of consumers and rights for access to essential services, including energy, and ***tackling*** energy poverty, as stated in the ***communication of the Commission of 26 April 2017 establishing a*** European Pillar of Social Rights ▌ need to be strengthened and guaranteed, and should include greater transparency ***on prices. In that respect, cross-subsidisation of hydrogen network through natural gas or electricity network***	(11) Consumer interests should be at the heart of this Directive and quality of service should be a central responsibility of natural gas **and hydrogen** undertakings. Existing rights of consumers and rights for access to ~~essential~~**energy** services, ~~including energy,~~ and safeguarding against energy poverty, as stated in the European Pillar of Social Rights communication need to be strengthened and guaranteed, and should include greater transparency. Consumer protection should ensure that all consumers in the wider remit of the Union benefit from a competitive gas	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	where a Member State has so provided, the regulatory authorities.	***tariffs should be avoided, as it puts the burden of the energy transition of the industry sector on natural gas or electricity users, including household users***. Consumer protection should ensure that all consumers in the wider remit of the Union benefit from a competitive gas market. Consumer rights should be enforced by Member States or, where a Member State has so provided, the regulatory authorities.	market. Consumer rights should be enforced by Member States or, where a Member State has so provided, the regulatory authorities.	
Recital 12				
22	(12) The European Pillar of Social Rights places energy among the essential services everyone shall have access to and calls for support measures for those in need (principle 20). UN Sustainable Development Goal number 7 (SDG7) also calls for ensuring access to affordable, reliable, sustainable and modern energy for all.	(12) The European Pillar of Social Rights places energy among the essential services everyone shall have access to and calls for support measures for those in need (principle 20). UN Sustainable Development Goal number 7 (SDG7) also calls for ensuring access to affordable, reliable, sustainable and modern energy for all. ***This Directive builds on comprehensive and common concepts of vulnerable customers and energy poverty.***	(12) The European Pillar of Social Rights places energy among the essential services everyone shall have access to and calls for support measures for those in need (principle 20). UN Sustainable Development Goal number 7 (SDG7) also calls for ensuring access to affordable, reliable, sustainable and modern energy for all.	
Recital 13				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
23	(13) Public service requirements and the common minimum standards that follow from them need to be further strengthened to make sure that all consumers, especially vulnerable ones, can benefit from competition and fair prices. The public service requirements should be defined at national level, taking into account national circumstances; Union law should, however, be respected by the Member States.	(13) Public service requirements and the common minimum standards that follow from them need to be further strengthened to make sure that all consumers, especially vulnerable ones, can benefit from competition and fair prices. The public service requirements should be defined at national level, taking into account national circumstances; Union law should, however, be respected by the Member States.	(13) Public service requirements and the common minimum standards that follow from them need to be further strengthened to make sure that all consumers, especially vulnerable ones, can benefit from competition and fair prices. The public service requirements should be defined at national level, taking into account national circumstances; Union law should, however, be respected by the Member States.	
Recital 14				
24	(14) Member States should have a wide discretion to impose public service obligations on gas undertakings in pursuing objectives of general economic interest. However, public service obligations in the form of price setting for the supply of natural gas constitute a fundamentally distortive measure that often leads to the accumulation of tariff deficits, the limitation of consumer choice, poorer incentives for energy saving and energy efficiency investments, lower standards of service, lower levels	(14) Member States should ***ensure that household customers and, where Member States consider it to be appropriate, small enterprises, enjoy the right to be supplied with gas of a specified quality at clearly comparable, transparent and competitive prices. Member States should maintain*** a wide discretion to impose public service obligations on gas undertakings in pursuing objectives of general economic interest ***without hampering the transition to an integrated, highly energy efficient***	(14) Member States should have a wide discretion to impose public service obligations on gas undertakings in pursuing objectives of general economic interest. However, public service obligations in the form of price setting for the supply of natural gas constitute a fundamentally distortive measure that often leads to the accumulation of tariff deficits, the limitation of consumer choice, poorer incentives for energy saving and energy efficiency investments, lower standards of service, lower levels	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	of consumer engagement and satisfaction, and the restriction of competition, as well as to there being fewer innovative products and services on the market. Consequently, Member States should apply other policy tools, in particular targeted social policy measures, to safeguard the affordability of natural gas supply to their citizens. Public interventions in price setting for the supply of natural gas should be carried out only as public service obligations and should be subject to specific conditions. A fully liberalised, well-functioning retail natural gas market would stimulate price and non-price competition among existing suppliers and provide incentives to new market entrants, thereby improving consumer choice and satisfaction.	***and on renewables-based energy system in accordance with the relevant Union targets, law and strategies***. However, public service obligations in the form of price setting for the supply of natural gas constitute a fundamentally distortive measure that often leads to the accumulation of tariff deficits, the limitation of consumer choice, poorer incentives for energy saving and energy efficiency investments, lower standards of service, lower levels of consumer engagement and satisfaction, and the restriction of competition, as well as to there being fewer innovative products and services on the market. Consequently, Member States should apply other policy tools, in particular targeted social policy measures, to safeguard the affordability of natural gas supply to their citizens. Public interventions in price setting for the supply of natural gas should be carried out only as public service obligations***,*** and ▌ be ***limited in time, while being*** subject to specific conditions. A fully liberalised, well-functioning retail natural gas market would stimulate price and non-price	of consumer engagement and satisfaction, and the restriction of competition, as well as to there being fewer innovative products and services on the market. Consequently, Member States should apply other policy tools, in particular targeted social policy measures, to safeguard the affordability of natural gas supply to their citizens. Public interventions in price setting for the supply of natural gas should be carried out only as public service obligations and should be subject to specific conditions. A fully liberalised, well-functioning retail natural gas market would stimulate price and non-price competition among existing suppliers and provide incentives to new market entrants, thereby improving consumer choice and satisfaction.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		competition among existing suppliers and provide incentives to new market entrants, thereby improving consumer choice and satisfaction.		
24a		***(14a) Member States should ensure the continuous and uninterrupted availability of energy and the technical safety of energy supply by increasing efficiency and interoperability of transmission and distribution networks, promoting system flexibility, avoiding congestions, ensuring resilient supply chains, cybersecurity and the protection and climate adaptation of all, and in particular, critical infrastructure while reducing strategic energy dependencies.***		
Recital 15				
25	(15) Public service obligations in the form of price setting for the supply of natural gas should be used without overriding the principle of open markets in clearly defined circumstances and	(15) Public ***interventions*** in the form of price setting for the supply of natural gas should be used without overriding the principle of open markets in clearly defined circumstances and beneficiaries	(15) Public service obligations in the form of price setting for the supply of natural gas should be used without overriding the principle of open markets in clearly defined circumstances and	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	beneficiaries and should be limited in duration. In order to mitigate the distortive effects of public service obligations in price setting for the supply of natural gas, Member States applying such interventions should put in place additional measures, including measures to prevent distortions of price setting in the wholesale market. Member States should ensure that all beneficiaries of regulated prices are able to benefit fully from the offers available on the competitive market when they choose to do so. To that end, they should be directly and regularly informed of the offers and savings available on the competitive market, and should be provided with assistance to respond to and benefit from market-based offers.	and should be limited in duration. In ***exceptional circumstances, for example where supply is severely constrained, causing significantly higher gas prices than normal or in the event of a market failure where interventions by regulatory authorities and competition authorities have proven to be ineffective, Member States may broaden the scope of public intervention in price setting for the supply of gas to categories other than vulnerable customers and customers affected by energy poverty such as microenterprises, other household customers and protected customers, as defined in Article 2, point (5), of Regulation (EU) 2017/1938, in order to avoid significant impact on the economy and society. In*** order to mitigate the distortive effects of public ***interventions*** in price setting for the supply of natural gas ***and to reduce the public budget allocated over time for those interventions***, Member States applying such interventions should put in place additional measures, including measures to prevent distortions of price setting in the wholesale market ***and allocate at least an equivalent***	beneficiaries and should be limited in duration. In order to mitigate the distortive effects of public service obligations in price setting for the supply of natural gas, Member States applying such interventions should put in place additional measures, including measures to prevent distortions of price setting in the wholesale market. Member States should ensure that all beneficiaries of regulated prices are able to benefit fully from the offers available on the competitive market when they choose to do so. To that end, they should be directly and regularly informed of the offers and savings available on the competitive market, and should be provided with assistance to respond to and benefit from market-based offers.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		financial amount to supporting beneficiaries in investing in energy efficiency and renewable energy projects, which would help to shield them sustainably and without recurring price interventions from natural gas prices fluctuations. Member States should ensure that all beneficiaries of regulated prices are able to benefit fully from the offers available on the competitive market when they choose to do so. To that end, they should be directly and regularly informed of the offers and savings available on the competitive market, and should be provided with assistance to respond to and benefit from market-based offers.		
Recital 16				
26	(16) Public interventions in price setting for the supply of natural gas should not lead to direct cross-subsidisation between different categories of customer. According to that principle, price systems must not explicitly make certain categories of customer bear the cost of price interventions that	(16) Public interventions in price setting for the supply of natural gas should not lead to direct cross-subsidisation between different categories of ***customers***. According to that principle, price systems must not explicitly make certain categories of customer bear the cost of price interventions that	(16) Public interventions in price setting for the supply of natural gas should not lead to direct cross-subsidisation between different categories of customer. According to that principle, price systems must not explicitly make certain categories of customer bear the cost of price interventions that affect other categories of	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	affect other categories of customer.	affect other categories of customer.	customer. **Public service obligations in price setting should only concern the supply of natural gas, as households are not expected to use hydrogen for heating purposes on a wide scale. The hydrogen market will mostly concern industry, which do not require such public interventions.**	
26a			**(16a) Public interventions in price setting for the supply of natural gas constitute, in principle, a market-distortive measure. Such interventions may therefore only be carried out as public service obligations and are subject to specific conditions. Under this Directive regulated prices are possible for energy poor and vulnerable households, including below costs, and, as a transition measure, for households and micro-enterprises. In times of crisis, when wholesale and retail natural gas prices increase significantly, and this is having a negative impact on the wider economy, Member States should**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			be allowed to extend, temporarily, the application of regulated prices also to SMEs. For both households and SMEs, Member States should be temporarily allowed to set regulated prices below costs as long as this does not create distortion between suppliers and suppliers are compensated for the costs of supplying below cost. However, it needs to be ensured that such price regulation is targeted and does not create incentives to increase consumption. Hence, such price regulation should be subject to conditions. Those conditions should be aligned to the conditions applicable to regulated prices for electricity, set out in [Directive (EU) 2019/944]. To the extent that any such constitute State aid, the provisions concerning such measures are without prejudice to the application of Articles 107 and 108 TFEU. The Council, acting on a proposal from the Commission, should determine by means of an implementing decision when a natural gas price crisis exists. The decision should also specify the validity	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			of that determination, during which the temporary extension of regulated prices applies, which may be for up to one year. Conferring implementing powers on the Council adequately takes into account the political nature of the decision to trigger the extended possibilities for public interventions in price setting for the supply of natural gas which requires a delicate balancing of different policy considerations, as well as the horizontal implications of such a decision for Member States.	
Recital 17				
27	(17) Clear and comprehensible information should be made available to consumers concerning their rights in relation to the energy sector. The Commission has established, after consulting relevant stakeholders including Member States, regulatory authorities, consumer organisations and natural gas undertakings, an accessible, user-friendly energy consumer checklist providing consumers	(17) Clear and comprehensible information should be made available to consumers concerning their rights in relation to the energy sector. The Commission has established, after consulting relevant stakeholders including Member States, regulatory authorities, consumer organisations and natural gas undertakings, an accessible, user-friendly energy consumer checklist providing consumers	(17) Clear and comprehensible information should be made available to consumers concerning their rights in relation to the energy sector. The Commission has established, after consulting relevant stakeholders including Member States, regulatory authorities, consumer organisations and natural gas undertakings, an accessible, user-friendly energy consumer checklist providing consumers	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	with practical information about their rights. That energy consumer checklist should be maintained to date, provided to all consumers and should be made publicly available.	with practical information about their rights. That energy consumer checklist should be maintained to date, provided to all consumers and should be made publicly available.	with practical information about their rights. That energy consumer checklist should be maintained to date, provided to all consumers and should be made publicly available.	
Recital 18				
28	(18) Member States should take into account the fact that the successful transition requires enhanced investment in education and skills for workers in the gas industry, including in relation to infrastructure development. Such mention would be in line with the proposal for a revision of EED (2021/0203 (COD).	(18) Member States should take into account the fact that the successful ***ecological*** transition requires enhanced investment in education***, training*** and skills for workers in the ***energy sector, including*** gas industry, ***and related value chains, as well as*** in relation to infrastructure development ***and renewable energy roll out, such as heat pump deployment and other renewable alternatives***. Such mention would be in line with the ***proposals*** for a revision of ***Directive 2012/27/EU of the European Parliament and of the Council[12] (2021/0203(COD) and Directive (EU) 2018/2001 (2018/0201(COD) as well as the REPowerEU Plan. Social partners must play a key role in that process***. _____	(18) Member States should take into account the fact that the successful transition requires enhanced investment in education and skills for workers in the gas industry, including in relation to infrastructure development. Such mention would be in line with the proposal for a revision of EED (2021/0203 (COD).	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		12. Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).		
Recital 19				
29	(19) Market rules should protect and empower customers to make low carbon choices, in order for new renewable and low carbon gases to be fully embedded in the energy transition.	(19) Market rules should protect and empower customers to make ***the most energy efficient*** choices, in order for new renewable ***gas*** and low carbon ***gas*** to be fully embedded in the energy transition ***and steered to those end-use sectors where no other more energy or cost efficient alternatives are available. For example, there is only a limited financial or environmental benefit in supplying hydrogen to individual heating appliances and such uses should therefore not be encouraged as a general principle***.	(19) Market rules should protect and empower customers to make low carbon choices, in order for new renewable and low carbon gases to be fully embedded in the energy transition.	
Recital 20				
30	(20) Natural gas still plays a key role in energy supply, as household energy consumption	(20) Natural gas still plays a key role in energy supply, as household energy consumption	(20) Natural gas still plays a key role in energy supply, as household energy consumption	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	from natural gas is still higher than from electricity. Although electrification is a key element of the green transition, in the future there will still be household natural gas consumption including increasing volumes of renewable gas.	from natural gas is still higher than from electricity. Although electrification is a key element of the green transition, in the future there will still be household natural gas consumption including increasing volumes of renewable gas***, in particular biomethane***.	from natural gas is still higher than from electricity. Although electrification is a key element of the green transition, in the future there will still be household natural gas consumption including increasing volumes of renewable gas.	
Recital 21				
31	(21) As the natural gas sector, including the natural gas retail market was not part of the Clean Energy for all Europeans Package, the related provisions on consumer engagement and protection have not been adapted to the needs of the energy transition, which corresponds instead to the situation of over a decade ago when the Third Energy Package was adopted.	(21) As the natural gas sector, including the natural gas retail market was not part of the Clean Energy for all Europeans Package, the related provisions on ***infrastructure planning and investments,*** consumer engagement and protection have not been adapted to the needs of the energy transition, which corresponds instead to the situation of over a decade ago when the Third Energy Package was adopted.	(21) As the natural gas sector, including the natural gas retail market was not part of the Clean Energy for all Europeans Package, the related provisions on consumer engagement and protection have not been adapted to the needs of the energy transition, which corresponds instead to the situation of over a decade ago when the Third Energy Package was adopted.	
Recital 22				
32	(22) The natural gas market witnesses poor customer satisfaction and engagement as well as slow uptake of new	(22) The natural gas market ***currently*** witnesses ***exceptional circumstances leading to high prices which are expected to***	(22) The natural gas market witnesses poor customer satisfaction and engagement as well as slow uptake of new	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	renewable and low-carbon gases, which all reflect limited competition in many Member States. Unlike falling prices in wholesale markets, natural gas prices for household customers rose in the last decade resulting in household consumers paying two or three times more for their natural gas consumption than industrial customers.	***remain rather high also in the years to come,*** poor customer satisfaction and engagement as well as slow uptake of new renewable ***gas*** and low-carbon ***gas and other renewable alternatives***, which all reflect limited competition in many Member States ***as well as an unfavourable regulatory environment for electrification and other renewable alternatives.*** Natural gas prices for household customers rose in the last decade resulting in household consumers paying two or three times more for their natural gas consumption than industrial customers.	renewable and low-carbon gases, which all reflect limited competition in many Member States. ~~Unlike falling prices in wholesale markets,~~ Natural gas prices for household customers rose in the last decade resulting in household consumers paying two or three times more for their natural gas consumption than industrial customers.	
32a		***(22a) The energy prices crisis has shown the inability of the liquid market to give the right price signal and to adequately reflect the demand-supply dynamics in the price formation mechanism. It has also shown the inadequacy of the liquid market to cope with emergency situations, such as supply disruptions and market manipulation practices. In order***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		to prevent high price volatility and to discourage anti-competitive conducts, trading platforms should make use of similar instruments already used in the financial markets for the same purposes. As suggested by European Securities and Markets Authority, those instruments should consist of, inter alia, trading halt mechanisms or price collars. ACER as well as regulatory authorities should continue to investigate any cases of market manipulations and distortions.		
Recital 23				
33	(23) As in the electricity sector, market flexibilities and an adequate Union consumer rights' legal framework in the natural gas sector are essential to ensure that consumers can participate in the energy transition and benefit from affordable prices, good standards of service, and effective choice of offers mirroring technological developments.	(23) As in the electricity sector, market flexibilities and an adequate Union consumer rights' legal framework in the natural gas sector are essential ***and the natural gas sector should be reinforced*** to ensure that consumers can participate in the energy transition and benefit from affordable prices, good standards of service, and effective choice of offers mirroring ***sustainable*** technological developments. ***Unlike in the electricity sector,***	(23) As in the electricity sector, market flexibilities and an adequate Union consumer rights' legal framework in the natural gas sector are essential to ensure that consumers can participate in the energy transition and benefit from affordable prices, good standards of service, and effective choice of offers mirroring technological developments.	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		natural gas consumer should be protected from rising tariffs when natural gas assets have to be depreciated, from cross subsidisation between gas and hydrogen users and rising gas tariffs with a shrinking customer base. The role of gaseous fuels for heating or cooling in buildings will decline in the future due to renewable alternatives, in particular electrification, district heating or thermal renewable energy.		
Recital 24				
34	(24) The switch from fossil gas to renewable alternatives will concretise if energy from renewable sources becomes an attractive, non-discriminatory choice for consumers based on truly transparent information where the transition costs are fairly distributed among different groups of consumers and market players.	(24) The switch from fossil gas to renewable alternatives will concretise if energy from renewable sources becomes an attractive, non-discriminatory choice for consumers based on truly transparent information where the transition costs are fairly distributed among different groups of consumers and market players. ***However, unlike in the electricity sector, switching from gas to other renewable technologies is usually not as easy due to the lock-in effect related to the underpinning***	(24) The switch from fossil gas to renewable alternatives will concretise if energy from renewable sources becomes an attractive, non-discriminatory choice for consumers based on truly transparent information where the transition costs are fairly distributed among different groups of consumers and market players.	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		infrastructure. Mandatory fuel switches should be accompanied by measures that remove adverse effects on final customers, in particular vulnerable customers and people affected by or at risk of energy poverty, as well as measures that mitigate and resolve inequalities resulting from the energy transition.		
Recital 25				
35	(25) To address the current gaps in the retail gas market, it is necessary to tackle the existing competition and technical barriers to the emergence of new services, better levels of service, and lower consumer prices, whilst ensuring the protection of energy poor and vulnerable consumers.	(25) To address the current gaps in the retail gas market, it is necessary to tackle the existing competition and technical barriers to the emergence of ***alternative, renewables-based energy supply,*** new services, better levels of service, and lower consumer prices, whilst ensuring the protection of ***vulnerable consumers and customers affected by or at risk of energy poverty***.	(25) To address the current gaps in the retail gas market, it is necessary to tackle the existing competition and technical barriers to the emergence of new services, better levels of service, and lower consumer prices, whilst ensuring the protection of energy poor and vulnerable consumers.	
Recital 26				
36	(26) In order to ensure a high level of consumer protection and empowerment consistently across	(26) In order to ensure a high level of consumer protection and empowerment consistently across	(26) In order to ensure a high level of consumer protection and empowerment consistently across	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	energy sectors, the legislative framework in the decarbonised gas market legislation should reflect the electricity market customer protection and where relevant its empowerment provisions.	energy sectors, the legislative framework in the decarbonised gas market ***law*** should reflect the electricity market customer protection and where relevant its empowerment provisions ***and take into account the energy system efficiency, the Union's objectives on security of supply, energy efficiency and renewable energy***.	energy sectors, the legislative framework in the decarbonised gas market legislation should reflect the electricity market customer protection and where relevant its empowerment provisions.	
Recital 27				
37	(27) To be coherent and effective, this mirroring approach should be encompass all consumer protection and empowerment provisions, whenever feasible and adaptable to the gas market. This should go from basic contractual rights to rules for billing information, switching energy provider, having at disposal reliable comparison tools, protecting vulnerable and energy poor consumers, ensuring adequate data protection for smart meters and data management, and efficient alternative dispute resolution rules.	(27) To be coherent and effective, this mirroring approach should be encompass all consumer protection and empowerment provisions, whenever feasible and adaptable to the gas market. This should go from basic contractual rights to rules for billing information, switching energy provider, having at disposal reliable comparison tools, protecting vulnerable ***customers and customers affected by or at risk of energy poverty***, ensuring adequate data protection for smart meters and data management, and efficient alternative dispute resolution rules. ***Smart meters should be deployed only after a positive cost-benefit assessment.***	(27) To be coherent and effective, this mirroring approach should ~~be~~ encompass all consumer protection and empowerment provisions, whenever feasible and adaptable to the gas market. This should go from basic contractual rights to rules for billing information, switching energy provider, having at disposal reliable comparison tools, protecting vulnerable and energy poor consumers, ensuring adequate data protection for smart meters and data management, and efficient alternative dispute resolution rules.	Requirement of CBA should remain for MS, not mandatory

Public

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 28				
38	(28) In pursuing the consistency of provisions across sectors, burdens for national administrations and businesses should be limited and proportionate by also building on the experience with the Clean Energy for All Europeans Package.	(28) In pursuing the consistency of provisions across sectors, burdens for national administrations and businesses should be limited and proportionate by also building on the experience with the Clean Energy for All Europeans Package.	(28) In pursuing the consistency of provisions across sectors, burdens for national administrations and businesses should be limited and proportionate by also building on the experience with the Clean Energy for All Europeans Package.	
Recital 29				
39	(29) The modernisation of the gas sector is expected to lead to substantial economic benefits in terms of both improved retail competition and its social and distributional benefits and customer empowerment, including strengthened contractual rights and better available information on consumption and energy sources leading to greener choices. Energy communities-of-interest should contribute to the uptake of renewable gas.	(29) The modernisation ***and decarbonisation*** of the gas sector is expected to lead to substantial economic ***and environmental*** benefits in terms of both improved retail competition and its social and distributional benefits and customer empowerment, including strengthened contractual rights and better available information on consumption and energy sources leading to greener choices***, which also include uptaking energy efficiency measures and reducing or switching from fossil gas to other more sustainable and energy efficient renewable energy***	(29) The modernisation of the gas sector is expected to lead to substantial economic **and environmental** benefits in terms of both improved retail competition and its social and distributional benefits and customer empowerment, including strengthened contractual rights and better available information on consumption and energy sources leading to greener choices. Energy communities-of-interest should contribute to the uptake of renewable gas.	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		sources. Acknowledging the need to produce biomethane, respecting the sustainability criteria laid down in Directive (EU) 2018/2001, environmental standards, such as prevention of methane leakage as well as the avoidance of food security issues, local biomethane production and supply could lead to economic benefits at the local level, in particular for the agricultural sector, and household and non-household customers located in the proximity of production areas. As an organisational concept aiming to drive social innovation, renewable energy ***communities as set out in Directive (EU) 2018/2001*** should contribute to the uptake of renewable gas.		
Recital 30				
40	(30) Switching is an important indicator of consumer engagement as well as in important tool to boost competition on both the natural gas and hydrogen markets. Switching rates remain inconsistent among Member States and consumers are discouraged from switching by exit and	(30) Switching is an important indicator of ***customer*** engagement as well as ***an*** important tool to boost competition on both the natural gas and hydrogen markets ***and should therefore be guaranteed as a basic right to costumers. However,*** switching rates remain inconsistent among	(30) Switching is an important indicator of consumer engagement as well as ~~in~~**an** important tool to boost competition on both the natural gas and hydrogen markets. Switching rates remain inconsistent among Member States and consumers are discouraged from switching by exit and	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	termination fees. Although removing such fees might limit consumer choice by eliminating products based on rewarding consumer loyalty, restricting their use further should improve consumer welfare, consumer engagement and competition in the market.	Member States and consumers are discouraged from switching ***both energy source and supplier*** by exit and termination fees. Although removing such fees might limit ***customer*** choice by eliminating products based on rewarding ***customer*** loyalty, restricting their use further should improve consumer welfare, consumer engagement and competition in the market***, including promoting the use of biomethane and other low-carbon gas and renewable gas***.	termination fees. Although removing such fees might limit consumer choice by eliminating products based on rewarding consumer loyalty, restricting their use further should improve consumer welfare, consumer engagement and competition in the market.	
Recital 31				
41	(31) Shorter switching times are likely to encourage customers to search for better energy deals and switch supplier. With the increased deployment of information technology, by the year 2026, the technical switching process of registering a new supplier in a metering point at the market operator should typically be possible to complete within 24 hours on any working day. Ensuring that it is possible by that date for the technical process of switching to take place within 24	(31) Shorter switching times are likely to encourage customers to search for better energy deals and switch supplier. With the increased deployment of information technology, by the year 2026, the technical switching process of registering a new supplier in a metering point at the market operator should typically be possible to complete within 24 hours on any working day. Ensuring that it is possible by that date for the technical process of switching to take place within 24	(31) Shorter switching times are likely to encourage customers to search for better energy deals and switch supplier. With the increased deployment of information technology, by the year 2026, the technical switching process of registering a new supplier in a metering point at the market operator should typically be possible to complete within 24 hours on any working day. Ensuring that it is possible by that date for the technical process of switching to take place within 24	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	hours would minimise switching times, helping to increase consumer engagement and retail competition.	hours would minimise switching times, helping to increase consumer engagement and retail competition.	hours would minimise switching times, helping to increase consumer engagement and retail competition.	
41a			**(31a) The 24 hour switching in gas procedure would mirror what already applies in the electricity market, which has similar back-end functionalities and IT database requirements. Harmonising switching times between both sectors would benefit all consumers, in particular those on dual fuel contracts. Shorter switching times for consumers should not affect a supplier balancing obligations.**	
Recital 32				
42	(32) Several factors impede consumers from accessing, understanding and acting upon the various sources of market information available to them. It follows that the comparability of offers should be improved and barriers to switching should be	(32) Several factors impede ***customers*** from accessing, understanding and acting upon the various sources of market information available to them. It follows that the comparability of offers should be improved***, through adequate customer***	(32) Several factors impede consumers from accessing, understanding and acting upon the various sources of market information available to them. It follows that the comparability of offers should be improved and barriers to switching should be	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	minimised to the greatest practicable extent without unduly limiting consumer choice.	***information, including on the environmental impact of the energy offers, and comparison tools for all customers, and unjustified barriers to switching should be removed*** without unduly limiting ***customer*** choice.	minimised to the greatest practicable extent without unduly limiting consumer choice.	
Recital 33				
43	(33) Independent comparison tools, including websites, are an effective means for smaller customers to assess the merits of the different energy offers that are available on the market. They should aim to include the broadest possible range of available offers, and to cover the market as completely as is feasible so as to give the customer a representative overview. It is crucial that smaller customers have access to at least one comparison tool and that the information given on such tools be trustworthy, impartial and transparent. To that end, Member States could provide for a comparison tool that is operated by a national authority or a private company.	(33) Independent comparison tools, including websites, are an effective means for smaller customers to assess the merits of the different energy offers that are available on the market. They should aim to include the broadest possible range of available offers, and to cover the market as completely as is feasible so as to give the customer a representative overview ***in a clear and easy to understand manner. Where the environmental impact is promoted as an essential feature of the offer, comparison tools should also include a description of that environmental impact***. It is crucial that smaller customers have access to at least one comparison tool and that the information given on such tools be trustworthy, impartial***, transparent***	(33) Independent comparison tools, including websites, are an effective means for smaller customers to assess the merits of the different energy offers that are available on the market. They should aim to include the broadest possible range of available offers, and to cover the market as completely as is feasible so as to give the customer a representative overview. It is crucial that smaller customers have access to at least one comparison tool and that the information given on such tools be trustworthy, impartial and transparent. To that end, Member States could provide for a comparison tool that is operated by a national authority or a private company.	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		and easy to understand. To that end, Member States could provide for a comparison tool that is operated by a national authority or a private company. ***It is also vital to provide customers with a clear and understandable pre-contractual information, so that they are fully aware about the details and consequences of the contract.***		
Recital 34				
44	(34) Final customers should also be able to consume, to store and to sell self-generated renewable gas and participate in all natural gas markets by providing ancillary services to the system, for instance through energy storage. Member States should be able to have different provisions in their national law with respect to taxes and levies for individual and jointly-acting active customers.	(34) ***In some instances,*** final customers***, in particular those in the agricultural sector or at local or municipal level, are*** able to consume, to store and to sell self-generated renewable gas***. To the extent that they are able to undertake those activities while respecting environmental standards, including the mitigation of methane emissions, those customers should be able to*** participate in all natural gas markets***, including local supply,*** providing ancillary services to the system, for instance through energy storage***, while maintaining their rights as final customers. Such collective arrangements***	(34) Final customers should also be able to consume, to store and to sell self-generated renewable gas and participate in all natural gas markets by providing ancillary services to the system, for instance through energy storage. Member States should be able to have different provisions in their national law with respect to taxes and levies for individual and jointly-acting active customers.	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		between active customers can provide opportunities for service providers and local businesses, in particular small and medium-sized enterprises (SMEs), to contribute to local system balancing and flexibility. Member States should be able to have different provisions in their national law with respect to taxes and levies for individual and jointly-acting active customers.		
Recital 35				
45	(35) Recognising the role they can play in decarbonizing the energy system, certain categories of citizen energy initiatives should be recognised in the natural gas market at the Union level as 'citizen energy communities'. These communities should facilitate the use of renewable gas in the natural gas system. In order to provide them with an enabling framework, fair treatment, a level playing field and a well-defined catalogue of rights and obligations should be laid down which generally reflects the membership structure, governance requirements and purpose of	(35) ▌	(35) Recognising the role they can play in decarbonizing the energy system, certain categories of citizen energy initiatives should be recognised in the natural gas market at the Union level as 'citizen energy communities'. These communities should facilitate the use of renewable gas in the natural gas system. In order to provide them with an enabling framework, fair treatment, a level playing field and a well-defined catalogue of rights and obligations should be laid down which generally reflects the membership structure, governance requirements and purpose of	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	citizen energy communities in Directive (EU) 2019/944.		citizen energy communities in Directive (EU) 2019/944.	
45a			**(35a) Renewable energy communities, pursuant to Directive (EU) 2018/2001 and citizen energy communities pursuant to Directive (EU) 2019/944 and this Directive can contribute to the production, storage and supply of renewable gas, helping to decarbonise the energy system. In particular, renewable energy communities can help contribute to the development of a local circular economy, particularly in rural regions. Citizen energy communities can help mobilise private capital investments for the decarbonisation of energy supply and empower farms and villages to capture methane from agriculture and municipal waste and supply to households in the local area or cities . There is a need to provide a level playing field so that renewable gases, such as biomethane, produced by citizen and renewable energy**	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			communities can be integrated into the natural gas system.	
Recital 36				
46	(36) The provisions on citizen energy communities do not preclude the existence of other citizen initiatives such as Renewable Energy Communities in Directive (EU) 2018/2001 or those stemming from private law agreements. Membership of citizen energy communities should be open to all categories of entities. However, the decision-making powers within a citizen energy community should be limited to those members or shareholders that are not engaged in large-scale commercial activity and for which the energy sector does not constitute a primary area of economic activity. This means that citizen energy communities and individual members or shareholders need to be financially and economically independent from entities engaged in such activities, notwithstanding the possibility for citizen energy communities to delegate the management of the installations	(36) ▌	(36) ~~The provisions on citizen energy communities do not preclude the existence of other citizen initiatives such as Renewable Energy Communities in Directive (EU) 2018/2001 or those stemming from private law agreements. Membership of citizen energy communities should be open to all categories of entities. However, the decision-making powers within a citizen energy community should be limited to those members or shareholders that are not engaged in large-scale commercial activity and for which the energy sector does not constitute a primary area of economic activity. This means that citizen energy communities and individual members or shareholders need to be financially and economically independent from entities engaged in such activities, notwithstanding the possibility for citizen energy communities to delegate the management of the installations~~	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	required for their activities, including installation, operation, data handling and maintenance.		~~required for their activities, including installation, operation, data handling and maintenance.~~	
46a			**(36a) The provisions on citizen energy communities should not preclude the existence of other citizen initiatives such as renewable energy communities in Directive (EU) 2018/2001 or those stemming from private law agreements. Membership of citizen energy communities should be open to all final customers, in particular household customers . It is appropriate that effective control, as defined in this Directive, and thus decisive influence over decision-making, remains with small enterprises, local authorities and natural persons. Member States should limit the risk of decisive influence by private undertakings that are engaged in large-scale commercial activity and for which the energy sector constitutes a primary area of economic activity over decision-making by**	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			excluding their participation and their voting, and putting limitations on the shares and commercial contracts they can hold. Such private undertakings should not include publically-owned companies. . To further mitigate the risk of corporate capture, Member States should monitor compliance of these initiatives with the governance and participation criteria set out in this Directive to ensure effective control sits with local authorities, citizens and small enterprises in accordance with this Directive.	
Recital 37				
47	(37) Bills and billing information are an important means to inform and empower final customers. Energy bills remain the most common consumer concern and source of consumer complaints, a factor that contributes to the persistently low levels of consumer satisfaction and engagement in the gas sector. Provisions for billing information in the gas sector also lag behind rights granted to consumers in the	(37) Bills and billing information are an important means to inform and empower final customers. Energy bills remain the most common consumer concern and source of consumer complaints, a factor that contributes to the persistently low levels of consumer satisfaction and engagement in the gas sector. Provisions for billing information in the gas sector also lag behind rights granted to consumers in the	(37) Bills and billing information are an important means to inform and empower final customers. Energy bills remain the most common consumer concern and source of consumer complaints, a factor that contributes to the persistently low levels of consumer satisfaction and engagement in the gas sector. Provisions for billing information in the gas sector also lag behind rights granted to consumers in the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	electricity sector. It is therefore necessary to align them and to set minimum requirements for bills and billing information in the gas sector, so that consumers have access to transparent, easy to understand information. Bills should convey information to the final consumers on their consumption and costs, thus facilitating comparison between offers and switching supplier, as well as information on their consumer rights (such as on alternative dispute resolution). In addition, bills should be a tool to actively engage consumers in the market, so that consumers can manage their consumption patterns and make greener choices.	electricity sector. It is therefore necessary to align them and to set minimum requirements for bills and billing information in the gas sector, so that consumers have access to transparent, ***complete,*** easy to understand information. Bills should convey information to the final ***customers*** on their consumption and costs, ***greenhouse gas emission intensity, type of energy, its share and quantity,*** thus facilitating comparison between offers and switching supplier ***or energy sources***, as well as information on their consumer rights (such as on alternative dispute resolution). In addition, bills should be a tool to actively engage consumers in the market, so that consumers can manage their consumption patterns and make greener choices. ***It is important to provide comprehensive and accurate information to consumers to ensure they are aware of their environmental impact and, thus, consumers can express their preference for the most sustainable energy carriers.***	electricity sector. It is therefore necessary to align them and to set minimum requirements for bills and billing information in the gas sector, so that consumers have access to transparent, easy to understand information. Bills should convey information to the final consumers on their consumption and costs, thus facilitating comparison between offers and switching supplier, as well as information on their consumer rights (such as on alternative dispute resolution). In addition, bills should be a tool to actively engage consumers in the market, so that consumers can manage their consumption patterns and make greener choices. **It is important to provide comprehensive and accurate information to consumers to ensure they are aware of their environmental impact and, thus, consumers can express their preference for the most sustainable energy carriers.**	
Recital 38				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
48	(38) The regular provision of accurate billing information based on actual gas consumption, facilitated by smart metering, is important to help customers to control their gas consumption and costs. Nevertheless, customers, in particular household customers, should have access to flexible arrangements for the actual payment of their bills.	(38) The regular provision of accurate billing information based on actual gas consumption ▌ is important to help customers to control their gas consumption and costs. Nevertheless, customers, in particular household customers, should have access to flexible arrangements for the actual payment of their bills.	(38) The regular provision of accurate billing information based on actual gas consumption, facilitated by smart metering, is important to help customers to control their gas consumption and costs. Nevertheless, customers, in particular household customers, should have access to flexible arrangements for the actual payment of their bills.	
Recital 39				
49	(39) A key aspect in supplying customers is access to objective and transparent consumption data. Thus, consumers should have access to their consumption data and associated prices and services costs so that they can invite competitors to make an offer based on that information. Consumers should also have the right to be properly informed about their energy consumption. Prepayments should not place a disproportionate disadvantage on their users, while different payment systems should be non-discriminatory. Information on energy costs provided to	(39) A key aspect in supplying customers is access to objective and transparent consumption data. Thus, consumers should have access to their consumption data and associated prices and services costs so that they can invite competitors to make an offer based on that information. Consumers should also have the right to be properly informed about their energy consumption. Prepayments should not place a disproportionate disadvantage on their users, while different payment systems should be non-discriminatory. Information on energy costs provided to	(39) A key aspect in supplying customers is access to objective and transparent consumption data. Thus, consumers should have access to their consumption data and associated prices and services costs so that they can invite competitors to make an offer based on that information. Consumers should also have the right to be properly informed about their energy consumption. Prepayments should not place a disproportionate disadvantage on their users, while different payment systems should be non-discriminatory. Information on energy costs provided to	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	consumers frequently enough should create incentives for energy savings because it will give customers direct feedback on the effects of investment in energy efficiency and change of behaviour.	consumers frequently enough should create incentives for energy savings because it will give customers direct feedback on the effects of investment in energy efficiency and change of behaviour.	consumers frequently enough should create incentives for energy savings because it will give customers direct feedback on the effects of investment in energy efficiency and change of behaviour.	
Recital 40				
50	(40) When deciding at national level on the deployment of natural gas smart metering systems, it should be possible to base such decision on an economic assessment. That economic assessment should take into account the long-term benefits of the deployment of smart metering systems to consumers and the whole value chain. Should that assessment conclude that the introduction of such metering systems is economically reasonable and cost-effective only for consumers with a certain amount of natural gas consumption, Member States should be able to take this into account when proceeding with deployment. However, such assessments should be reviewed regularly in response to significant	(40) ▌ Deciding at national level on the deployment of natural gas smart metering systems ***for customers*** should be ***dependent on a positive cost-benefit assessment, to avoid stranded investments for customers***. That economic assessment should take into account the long-term benefits of the deployment of smart metering systems to ***customers, including customers' benefits arising from the use of smart meters and signing up for smart meter-enabled offers,*** and the whole value chain. Should that assessment conclude that the introduction of such metering systems is economically reasonable and cost-effective only for ***industrial*** consumers with a certain amount of natural gas consumption, Member States	(40) When deciding at national level on the deployment of natural gas smart metering systems, it should be possible to base such decision- on an economic assessment. That economic assessment should take into account the long-term benefits of the deployment of smart metering systems to consumers and the whole value chain. Should that assessment conclude that the introduction of such metering systems is economically reasonable and cost-effective only for consumers with a certain amount of natural gas consumption, Member States should be able to take this into account when proceeding with deployment. However, such assessments should be reviewed regularly in response to significant	As before (Recital 27) : CBA should remain MS decision

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	changes in the underlying assumptions, or at least every four years, given the fast pace of technological developments.	should be able to take this into account when proceeding with deployment. ▌	changes in the underlying assumptions, or at least every four years, given the fast pace of technological developments.	
Recital 41				
51	(41) In order to assist final customers' active participation in the market, the smart metering systems to be deployed should have due regard to the use of relevant available standards, including those enabling interoperability on the level of the data model and the application layer, to best practices and the importance of the development of data exchange, to future and innovative energy services. Moreover, the smart metering systems that are deployed should not represent a barrier to switching supplier in the case of natural gas consumers, and should be equipped with fit-for-purpose functionalities that allow final customers to have timely access to their consumption data, to modulate their energy behaviour, be rewarded for it, and obtain savings in their bills.	(41) In order to assist final customers' active participation in the market, the smart metering systems ***that could*** be deployed***, subject to a positive cost-benefit assessment,*** should have due regard to the use of relevant available standards, including those enabling interoperability on the level of the data model and the application layer, to best practices and the importance of the development of data exchange, to future and innovative energy services. Moreover, the smart metering systems that are deployed should not represent a barrier to switching supplier in the case of natural gas consumers, and should be equipped with fit-for-purpose functionalities that allow final customers to have timely access to their consumption data, to modulate their energy behaviour, be rewarded for it, and obtain savings in their bills.	(41) In order to assist final customers' active participation in the market, the smart metering systems to be deployed should have due regard to the use of relevant available standards, including those enabling interoperability on the level of the data model and the application layer, to best practices and the importance of the development of data exchange, to future and innovative energy services. Moreover, the smart metering systems that are deployed should not represent a barrier to switching supplier in the case of natural gas consumers, and should be equipped with fit-for-purpose functionalities that allow final customers to have timely access to their consumption data, to modulate their energy behaviour, be rewarded for it, and obtain savings in their bills.	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Consumer groups should be advised on how to improve their energy efficiency by using smart meters.		
Recital 42				
52	(42) Member States that do not systematically deploy smart metering in the natural gas system should allow consumers to benefit from the installation of a smart meter, upon request and under fair and reasonable conditions, and should provide them with all the relevant information.	(42) Member States that do not systematically deploy smart metering in the natural gas system should allow ***industrial*** consumers to benefit from the installation of a smart meter, upon request and under fair and reasonable conditions, and should provide them with all the relevant information.	(42) Member States that do not systematically deploy smart metering in the natural gas system should allow consumers to benefit from the installation of a smart meter, upon request ~~and~~**,** under fair and reasonable conditions **while bearing the associated costs**, and should provide them with all the relevant information.	REject EP amendment : Smart meter should remain accessible to all consumers
Recital 43				
53	(43) Currently, different models for the management of data have been developed or are under development in Member States following deployment of smart metering systems. Independently of the data management model it is important that Member States put in place transparent rules that data can be accessed under non-discriminatory conditions and ensure the highest level of	(43) Currently, different models for the management of data have been developed or are under development in Member States following deployment of smart metering systems. Independently of the data management model it is important that Member States put in place transparent rules that data can be accessed under non-discriminatory conditions and ensure the highest level of	(43) Currently, different models for the management of data have been developed or are under development in Member States following deployment of smart metering systems. Independently of the data management model it is important that Member States put in place transparent rules that data can be accessed under non-discriminatory conditions and ensure the highest level of	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	cybersecurity and data protection as well as the impartiality of the entities which process data.	cybersecurity and data protection as well as the impartiality of the entities which process data.	cybersecurity and data protection as well as the impartiality of the entities which process data.	
Recital 44				
54	(44) Greater consumer protection is guaranteed by the availability of effective means of dispute settlement for all consumers. Member States should provide for speedy and effective complaint handling procedures.	(44) Greater consumer protection is guaranteed by the availability of effective means of dispute settlement for all ***costumers***. Member States should provide for speedy and effective complaint handling procedures. ***Guidance about where and how to complain should be provided in costumer contracts and billing information.***	(44) Greater consumer protection is guaranteed by the availability of effective means of dispute settlement for all consumers. Member States should provide for speedy and effective complaint handling procedures.	
Recital 45				
55	(45) Member States should take appropriate measures, such as providing benefits by means of their social security systems, to ensure the necessary supply to vulnerable customers, or providing for support for energy efficiency improvements, to address energy poverty where identified pursuant to Article 3(3), point (d) of Regulation (EU) 2018/1999 of the European Parliament and of the Council[1], including in the broader	(45) Member States should take appropriate measures, such as providing benefits by means of their social security systems, to ensure the necessary supply to vulnerable customers, or providing for support for energy efficiency improvements, ***including building renovations, and renewable energy deployment, to sustainably*** address energy poverty where identified pursuant to Article 3(3), point (d) of Regulation (EU)	(45) Member States should take appropriate measures, such as providing benefits by means of their social security systems, to ensure the necessary supply to vulnerable customers, or providing for support for energy efficiency improvements, to address energy poverty where identified pursuant to Article 3(3), point (d) of Regulation (EU) 2018/1999 of the European Parliament and of the Council[1], including in the broader	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	context of poverty. Such measures could differ according to the particular circumstances in the Member States in question and could include social or energy policy measures relating to the payment of any gases bills, to investment in the energy efficiency of residential buildings, or to consumer protection such as disconnection safeguards. _____ 1. Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).	2018/1999 of the European Parliament and of the Council[13] ***and Directive (EU) .../...[14+]***, including in the broader context of poverty. Such measures could differ according to the particular circumstances in the Member States in question and ***should*** include social or energy policy measures relating to the payment of any ***gas*** bills, to investment in the energy efficiency of residential buildings, or to consumer protection such as disconnection safeguards. ***Disconnection of vulnerable customers or customers affected by or at risk of energy poverty should be prohibited in critical times and in any event during the winter.*** _____ ***13. Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).***	context of poverty. Such measures could differ according to the particular circumstances in the Member States in question and could include social or energy policy measures relating to the payment of any ~~gase~~**gas** bills, to investment in the energy efficiency of residential buildings, or to consumer protection such as disconnection safeguards. _____ 1. Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		14. Directive (EU) .../... of the European Parliament and of the Council of ... on energy efficiency (OJ L ...). ***+. OJ: Please insert in the text the number of the Directive contained in document PE-CONS .../... (2021/0203(COD)) and insert the number, date, title and OJ reference of that Directive in the footnote.***		
Recital 46				
56	(46) Pursuant to Regulation (EU) 2018/1999 and Directive (EU) 2019/944 of the European Parliament and of the Council[1], the Commission provided indicative guidance[2] on appropriate indicators for measuring energy poverty and defining a 'significant number of households in energy poverty'. _____ 1. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125). 2. Commission Recommendation of 14.10.2020 on energy poverty, C(2020) 9600 final	(46) Pursuant to Regulation (EU) 2018/1999 and Directive (EU) 2019/944 ▌, the Commission provided indicative guidance[15] on appropriate indicators for measuring energy poverty and defining a 'significant number of households in energy poverty'. ***Directive (EU) .../...+ provides for a clear definition and a back-up set of criteria in the event that a Member State fails to define energy poverty in accordance with the relevant law.*** _____ ▌.▌ ***15. Commission Recommendation of 14.10.2020 on energy poverty, C(2020) 9600 final.*** ***+. OJ: Please insert in the text the number of the Directive contained in document PE-CONS .../... (2021/0203(COD)).***	(46) Pursuant to Regulation (EU) 2018/1999 and Directive (EU) 2019/944 of the European Parliament and of the Council[1], the Commission **Recommendation of 14 October 2020 on energy poverty[2]** provided indicative guidance[2] on appropriate indicators for measuring energy poverty and defining a 'significant number of households in energy poverty'. _____ 1. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125). 2. ~~Commission Recommendation of 14.10.2020 on energy poverty, C(2020) 9600 final~~**OJ L 357, 27.10.2020, p. 35.**	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 47				
57	(47) The simplification and streamlining of administrative permit granting processes and clear time limits for decisions to be taken by the authorities competent for issuing an authorisation should ensure that the deployment of hydrogen production facilities and hydrogen system infrastructure can occur at an adequate pace. Member States should be requested to report on progress made. Grandfathering of authorisations (such as licences, permissions, concessions or approvals), granted under national law for the construction and operation of existing natural gas pipelines and other network assets, is needed once the transported gaseous energy carrier in a gas pipeline changes from natural gas to (pure) hydrogen. This should prevent undue delay in repurposing existing natural gas pipelines and other networks assets for hydrogen transport. It should be avoided that conditions for granting authorisations for hydrogen system infrastructure are materially different unless sufficiently justified. Technical	(47) The simplification and streamlining of administrative permit granting processes and clear time limits for decisions to be taken by the authorities competent for issuing an authorisation should ensure that the deployment of hydrogen production facilities and hydrogen system infrastructure can occur at an adequate pace ***without hampering public consultations***. Member States should be requested to report on progress made. Grandfathering of authorisations (such as licences, permissions, concessions or approvals), granted under national law for the construction and operation of existing natural gas pipelines and other network assets, is needed once the transported gaseous energy carrier in a gas pipeline changes from natural gas to (pure) hydrogen. This should prevent undue delay in repurposing existing natural gas pipelines and other networks assets for hydrogen transport. It should be avoided that conditions for granting authorisations for hydrogen system infrastructure are	(47) The simplification and streamlining of administrative permit granting processes and clear time limits for decisions to be taken by the authorities competent for issuing an authorisation should ensure that the deployment of hydrogen production facilities and hydrogen system infrastructure can occur at an adequate pace. Member States should be requested to report on progress made. Grandfathering of authorisations (such as licences, permissions, concessions or approvals), granted under national law for the construction and operation of existing natural gas pipelines and other network assets, is needed once the transported gaseous energy carrier in a gas pipeline changes from natural gas to (pure) hydrogen. This **grandfathering of authorisations should not affect the validity of technical safety requirements for hydrogen infrastructure, nor the possiblity for competent authorities to monitor compliance with such requirements and to take appriopriate and proportionate**	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	safety considerations might justify a differentiated approach in grandfathering existing or issuing new authorisations. The provisions on authorisation procedures should apply without prejudice to international and Union law, including provisions to protect the environment and human health. Where duly justified on the grounds of extraordinary circumstances, it should be possible to extend the time limits for authorisation procedures by up to one year.	materially different unless sufficiently justified. Technical safety considerations ***could*** justify a differentiated approach in grandfathering existing or issuing new authorisations. The provisions on authorisation procedures should apply without prejudice to international and Union law, including provisions to protect the environment***, biodiversity*** and human health. Where duly justified on the grounds of extraordinary circumstances, it should be possible to extend the time limits for authorisation procedures by up to one year.	**enforcement measures, including a possible revocation of the grandfathered authorisations, if justified. This** should prevent undue delay in repurposing existing natural gas pipelines and other networks assets for hydrogen transport. It should be avoided that conditions for granting authorisations for hydrogen system infrastructure are materially different unless sufficiently justified. Technical safety considerations might justify a differentiated approach in grandfathering existing or issuing new authorisations. The provisions on authorisation procedures should apply without prejudice to international and Union law, including provisions to protect the environment and human health. Where duly justified on the grounds of extraordinary circumstances, it should be possible to extend the time limits for authorisation procedures by up to one year.	
Recital 48				
58	(48) Providing guidance to applicants throughout their	(48) Providing guidance to applicants throughout their	(48) Providing guidance to applicants throughout their	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	administrative permit application and granting processes by means of an administrative contact point is intended to reduce complexity for project developers and increase efficiency and transparency. The availability for applicants to submit relevant documents in digital form and the availability of a manual of procedures for applicants could contribute to efficiency. Member States should ensure that the authorities implementing authorisation procedures are actively involved in the tackling of remaining barriers, including non-financial ones such as insufficient knowledge, digital and human resources that hinder their processing of a growing number of authorisation procedures.	administrative permit application and granting processes by means of an administrative contact point is intended to reduce complexity for project developers and increase efficiency and transparency. The availability for applicants to submit relevant documents in digital form and the availability of a manual of procedures for applicants could contribute to efficiency. Member States should ensure that the authorities implementing authorisation procedures are actively involved in the tackling of remaining barriers, including non-financial ones such as insufficient knowledge, digital and human resources that hinder their processing of a growing number of authorisation procedures.	administrative permit application and granting processes by means of an administrative contact point is intended to reduce complexity for project developers and increase efficiency and transparency. The availability for applicants to submit relevant documents in digital form and the availability of a manual of procedures for applicants could contribute to efficiency. Member States should ensure that the authorities implementing authorisation procedures are actively involved in the tackling of remaining barriers, including non-financial ones such as insufficient knowledge, digital and human resources that hinder their processing of a growing number of authorisation procedures.	
Recital 49				
59	(49) Without effective separation of networks from activities of production and supply (effective unbundling), there is a risk of discrimination not only in the operation of the network but also in the incentives for vertically	(49) Without effective separation of networks from activities of production and supply (effective unbundling), there is a risk of discrimination not only in the operation of the network but also in the incentives for vertically	(49) Without effective separation of networks from activities of production and supply (effective unbundling), there is a risk of discrimination not only in the operation of the network but also in the incentives for vertically	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	integrated undertakings to invest adequately in their networks.	integrated undertakings to invest adequately in their networks.	integrated undertakings to invest adequately in their networks.	
Recital 50				
60	(50) The rules on legal and functional unbundling as provided for in Directive 2003/55/EC have not, however, led to effective unbundling of the transmission system operators. At its meeting on 8 and 9 March 2007, the European Council therefore invited the Commission to develop legislative proposals for the 'effective separation of supply and production activities from network operations'.	(50) The rules on legal and functional unbundling as provided for in Directive 2003/55/EC have not, however, led to effective unbundling of the transmission system operators. At its meeting on 8 and 9 March 2007, the European Council therefore invited the Commission to develop legislative proposals for the 'effective separation of supply and production activities from network operations'.	(50) The rules on legal and functional unbundling as provided for in Directive 2003/55/EC have not, however, led to effective unbundling of the transmission system operators. At its meeting on 8 and 9 March 2007, the European Council therefore invited the Commission to develop legislative proposals for the 'effective separation of supply and production activities from network operations'.	
Recital 51				
61	(51) Only the removal of the incentive for vertically integrated undertakings to discriminate against competitors as regards network access and investment can ensure effective unbundling. Ownership unbundling, which implies the appointment of the network owner as the system operator and its independence from any supply and production	(51) Only the removal of the incentive for vertically integrated undertakings to discriminate against competitors as regards network access and investment can ensure effective unbundling. Ownership unbundling, which implies the appointment of the network owner as the system operator and its independence from any supply and production	(51) Only the removal of the incentive for vertically integrated undertakings to discriminate against competitors as regards network access and investment can ensure effective unbundling. Ownership unbundling, which implies the appointment of the network owner as the system operator and its independence from any supply and production	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	interests, is clearly an effective and stable way to solve the inherent conflict of interests and to ensure security of supply. For that reason, the European Parliament, in its resolution of 10 July 2007 on prospects for the internal gas and electricity market referred to ownership unbundling at transmission level as the most effective tool to promote investments in infrastructure in a non-discriminatory way, fair access to the network for new entrants and transparency in the market. Under ownership unbundling, Member States should therefore be required to ensure that the same person or persons are not entitled to exercise control over a production or supply undertaking and, at the same time, exercise control or any right over a transmission system operator or transmission system. Conversely, control over a transmission system or transmission system operator should preclude the possibility of exercising control or any right over a production or supply undertaking. Within those limits, a production or supply undertaking should be able to have a minority shareholding in a transmission	interests, is clearly an effective and stable way to solve the inherent conflict of interests and to ensure security of supply. For that reason, the European Parliament, in its resolution of 10 July 2007 on prospects for the internal gas and electricity market referred to ownership unbundling at transmission level as the most effective tool to promote investments in infrastructure in a non-discriminatory way, fair access to the network for new entrants and transparency in the market. Under ownership unbundling, Member States should therefore be required to ensure that the same person or persons are not entitled to exercise control over a production or supply undertaking and, at the same time, exercise control or any right over a transmission system operator or transmission system. Conversely, control over a transmission system or transmission system operator should preclude the possibility of exercising control or any right over a production or supply undertaking. Within those limits, a production or supply undertaking should be able to have a minority shareholding in a transmission	interests, is clearly an effective and stable way to solve the inherent conflict of interests and to ensure security of supply. For that reason, the European Parliament, in its resolution of 10 July 2007 on prospects for the internal gas and electricity market referred to ownership unbundling at transmission level as the most effective tool to promote investments in infrastructure in a non-discriminatory way, fair access to the network for new entrants and transparency in the market. Under ownership unbundling, Member States should therefore be required to ensure that the same person or persons are not entitled to exercise control over a production or supply undertaking and, at the same time, exercise control or any right over a transmission system operator or transmission system. Conversely, control over a transmission system or transmission system operator should preclude the possibility of exercising control or any right over a production or supply undertaking. Within those limits, a production or supply undertaking should be able to have a minority shareholding in a transmission	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	system operator or transmission system.	system operator or transmission system.	system operator or transmission system.	
Recital 52				
62	(52) Any system for unbundling should be effective in removing any conflict of interests between producers, suppliers and transmission system operators, in order to create incentives for the necessary investments and guarantee the access of new market entrants under a transparent and efficient regulatory regime and should not create an overly onerous regulatory regime for regulatory authorities.	(52) Any system for unbundling should be effective in removing any conflict of interests between producers, suppliers and transmission system operators, in order to create incentives for the necessary investments and guarantee the access of new market entrants under a transparent and efficient regulatory regime and should not create an overly onerous regulatory regime for regulatory authorities.	(52) Any system for unbundling should be effective in removing any conflict of interests between producers, suppliers and transmission system operators, in order to create incentives for the necessary investments and guarantee the access of new market entrants under a transparent and efficient regulatory regime and should not create an overly onerous regulatory regime for regulatory authorities.	
Recital 53				
63	(53) The definition of the term 'control' is taken from Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation)[1]. _____ 1. OJ L 24, 29.1.2004, p. 1.	(53) The definition of the term 'control' is taken from Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation)***[16]***. _____ ***16. OJ L 24, 29.1.2004, p. 1.***	(53) The definition of the term 'control' is taken from Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation)[1]. _____ 1. **[1]** OJ L 24, 29.1.2004, p. 1.	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 54				
64	(54) In view of the vertical links between the electricity and gas sectors, the unbundling provisions should apply across the two sectors.	(54) In view of the vertical links between the electricity and gas sectors, the unbundling provisions should apply across the two sectors.	(54) In view of the vertical links between the electricity and gas sectors, the unbundling provisions should apply across the two sectors **as specified in details in respective Articles of this Directive**.	
Recital 55				
65	(55) In contrast, with regard to the hydrogen sector, the emergence of vertically integrated undertakings could be avoided in the first place by setting clear up-front rules. This is preferable over costly ex-post unbundling requirements that would take time to implement.	(55) ▌	(55) In contrast, with regard to the hydrogen sector, the emergence of vertically integrated undertakings could be avoided in the first place by setting clear up-front rules. This is preferable over costly ex-post unbundling requirements that would take time to implement.	
Recital 56				
66	(56) Under ownership unbundling, to ensure full independence of network operation from supply and production interests and to prevent exchanges of any confidential information, the same person should not be a member of the managing boards of both a	(56) Under ownership unbundling, to ensure full independence of network operation from supply and production interests and to prevent exchanges of any confidential information, the same person should not be a member of the managing boards of both a	(56) Under ownership unbundling, to ensure full independence of network operation from supply and production interests and to prevent exchanges of any confidential information, the same person should not be a member of the managing boards of both a	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	transmission system operator or a transmission system and an undertaking performing any of the functions of production or supply. For the same reason, the same person should not be entitled to appoint members of the managing boards of a transmission system operator or a transmission system and to exercise control or any right over a production or supply undertaking.	transmission system operator or a transmission system and an undertaking performing any of the functions of production or supply. For the same reason, the same person should not be entitled to appoint members of the managing boards of a transmission system operator or a transmission system and to exercise control or any right over a production or supply undertaking.	transmission system operator or a transmission system and an undertaking performing any of the functions of production or supply. For the same reason, the same person should not be entitled to appoint members of the managing boards of a transmission system operator or a transmission system and to exercise control or any right over a production or supply undertaking.	
Recital 57				
67	(57) The setting up of a system operator or a transmission operator that is independent from supply and production interests should enable a vertically integrated undertaking to maintain its ownership of network assets whilst ensuring an effective separation of interests, provided that such independent system operator or such independent transmission operator performs all the functions of a system operator and detailed regulation and extensive regulatory control mechanisms are put in place.	(57) The setting up of a system operator or a transmission operator that is independent from supply and production interests should enable a vertically integrated undertaking to maintain its ownership of network assets whilst ensuring an effective separation of interests, provided that such independent system operator or such independent transmission operator performs all the functions of a system operator and detailed regulation and extensive regulatory control mechanisms are put in place.	(57) The setting up of a system operator or a transmission operator that is independent from supply and production interests should enable a vertically integrated undertaking to maintain its ownership of network assets whilst ensuring an effective separation of interests, provided that such independent system operator or such independent transmission operator performs all the functions of a system operator and detailed regulation and extensive regulatory control mechanisms are put in place.	
Recital 58				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
68	(58) Where, on 3 September 2009, an undertaking owning a transmission system was part of a vertically integrated undertaking, Member States should therefore be given a choice between ownership unbundling and setting up a system operator or transmission operator which is independent from supply and production interests.	(58) Where, on 3 September 2009, an undertaking owning a transmission system was part of a vertically integrated undertaking, Member States should therefore be given a choice between ownership unbundling and setting up a system operator or transmission operator which is independent from supply and production interests.	(58) Where, on 3 September 2009, an undertaking owning a transmission system was part of a vertically integrated undertaking, Member States should therefore be given a choice between ownership unbundling and setting up a system operator or transmission operator which is independent from supply and production interests.	
Recital 59				
69	(59) To fully preserve the interests of the shareholders of vertically integrated undertakings, Member States should have the choice of implementing ownership unbundling either by direct divestiture or by splitting the shares of the integrated undertaking into shares of the network undertaking and shares of the remaining supply and production undertaking, provided that the requirements resulting from ownership unbundling are complied with.	(59) To fully preserve the interests of the shareholders of vertically integrated undertakings, Member States should have the choice of implementing ownership unbundling either by direct divestiture or by splitting the shares of the integrated undertaking into shares of the network undertaking and shares of the remaining supply and production undertaking, provided that the requirements resulting from ownership unbundling are complied with.	(59) To fully preserve the interests of the shareholders of vertically integrated undertakings, Member States should have the choice of implementing ownership unbundling either by direct divestiture or by splitting the shares of the integrated undertaking into shares of the network undertaking and shares of the remaining supply and production undertaking, provided that the requirements resulting from ownership unbundling are complied with.	
Recital 60				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
70	(60) The full effectiveness of the independent system operator or independent transmission operator solutions should be ensured by way of specific additional rules. The rules on the independent transmission operator provide an appropriate regulatory framework to guarantee fair competition, sufficient investment, access for new market entrants and the integration of gas markets. Effective unbundling through the independent transmission operator provisions should be based on a pillar of organisational measures and measures relating to the governance of transmission system operators and on a pillar of measures relating to investment, connecting new production capacities to the network and market integration through regional cooperation. The independence of the transmission operator should also, inter alia, be ensured through certain 'cooling-off' periods during which no management or other relevant activity giving access to the same information as could have been obtained in a managerial position	(60) The full effectiveness of the independent system operator or independent transmission operator solutions should be ensured by way of specific additional rules. The rules on the independent transmission operator provide an appropriate regulatory framework to guarantee fair competition, sufficient investment, access for new market entrants and the integration of gas markets. Effective unbundling through the independent transmission operator provisions should be based on a pillar of organisational measures and measures relating to the governance of transmission system operators and on a pillar of measures relating to investment, connecting new production capacities to the network and market integration through regional cooperation. The independence of the transmission operator should also, inter alia, be ensured through certain 'cooling-off' periods during which no management or other relevant activity giving access to the same information as could have been obtained in a managerial position	(60) The full effectiveness of the independent system operator or independent transmission operator solutions should be ensured by way of specific additional rules. The rules on the independent transmission operator provide an appropriate regulatory framework to guarantee fair competition, sufficient investment, access for new market entrants and the integration of gas markets. Effective unbundling through the independent transmission operator provisions should be based on a pillar of organisational measures and measures relating to the governance of transmission system operators and on a pillar of measures relating to investment, connecting new production capacities to the network and market integration through regional cooperation. The independence of the transmission operator should also, inter alia, be ensured through certain 'cooling-off' periods during which no management or other relevant activity giving access to the same information as could have been obtained in a managerial position	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	is exercised in the vertically integrated undertaking.	is exercised in the vertically integrated undertaking.	is exercised in the vertically integrated undertaking.	
Recital 61				
71	(61) In order to develop competition in the internal market in gas, large non-household customers, engaged in large-scale commercial activities, should be able to choose their suppliers and enter into contracts with several suppliers to secure their gas requirements. Such customers should be protected against exclusivity clauses, the effect of which is to exclude competing or complementary offers.	(61) In order to develop competition in the internal market in gas, large non-household customers, engaged in large-scale commercial activities, should be able to choose their suppliers and enter into contracts with several suppliers to secure their gas requirements. Such customers should be protected against exclusivity clauses, the effect of which is to exclude competing or complementary offers.	(61) In order to develop competition in the internal market in gas, large non-household customers, engaged in large-scale commercial activities, should be able to choose their suppliers and enter into contracts with several suppliers to secure their gas requirements. Such customers should be protected against exclusivity clauses, the effect of which is to exclude competing or complementary offers.	
Recital 62				
72	(62) A Member State should have the right to opt for full ownership unbundling in its territory. Where a Member State has exercised that right, an undertaking should not have the right to set up an independent system operator or an independent transmission operator. Furthermore, an undertaking performing any of the functions of production or supply should not	(62) A Member State should have the right to opt for full ownership unbundling in its territory. Where a Member State has exercised that right, an undertaking should not have the right to set up an independent system operator or an independent transmission operator. Furthermore, an undertaking performing any of the functions of production or supply should not	(62) A Member State should have the right to opt for full ownership unbundling in its territory. Where a Member State has exercised that right, an undertaking should not have the right to set up an independent system operator or an independent transmission operator. Furthermore, an undertaking performing any of the functions of production or supply should not	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	directly or indirectly exercise control or any right over a transmission system operator from a Member State that has opted for full ownership unbundling.	directly or indirectly exercise control or any right over a transmission system operator from a Member State that has opted for full ownership unbundling.	directly or indirectly exercise control or any right over a transmission system operator from a Member State that has opted for full ownership unbundling.	
Recital 63				
73	(63) Different types of market organisation exist in the internal market in natural gas. The measures that Member States could take in order to ensure a level playing field should be based on overriding requirements of general interest. The Commission should be consulted on the compatibility of the measures with the TFEU and Union law.	(63) Different types of market organisation exist in the internal market in natural gas. The measures that Member States could take in order to ensure a level playing field should be based on overriding requirements of general interest. The Commission should be consulted on the compatibility of the measures with the TFEU and Union law.	(63) Different types of market organisation exist in the internal market in natural gas. The measures that Member States could take in order to ensure a level playing field should be based on overriding requirements of general interest. The Commission should be consulted on the compatibility of the measures with the TFEU and Union law.	
Recital 64				
74	(64) The implementation of effective unbundling should respect the principle of non-discrimination between the public and private sectors. To that end, the same person should not be able to exercise control or any right, in violation of the rules of ownership unbundling or the independent system operator option, solely or	(64) The implementation of effective unbundling should respect the principle of non-discrimination between the public and private sectors. To that end, the same person should not be able to exercise control or any right, in violation of the rules of ownership unbundling or the independent system operator option, solely or	(64) The implementation of effective unbundling should respect the principle of non-discrimination between the public and private sectors. To that end, the same person should not be able to exercise control or any right, in violation of the rules of ownership unbundling or the independent system operator option, solely or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	jointly, over the composition, voting or decision of the bodies of both the transmission system operators or the transmission systems and the production or supply undertakings. With regard to ownership unbundling and the independent system operator solution, provided that the Member State in question is able to demonstrate that the requirement is complied with, two separate public bodies should be able to control production and supply activities on the one hand and transmission activities on the other.	jointly, over the composition, voting or decision of the bodies of both the transmission system operators or the transmission systems and the production or supply undertakings. With regard to ownership unbundling and the independent system operator solution, provided that the Member State in question is able to demonstrate that the requirement is complied with, two separate public bodies should be able to control production and supply activities on the one hand and transmission activities on the other.	jointly, over the composition, voting or decision of the bodies of both the transmission system operators or the transmission systems and the production or supply undertakings. With regard to ownership unbundling and the independent system operator solution, provided that the Member State in question is able to demonstrate that the requirement is complied with, two separate public bodies should be able to control production and supply activities on the one hand and transmission activities on the other.	
Recital 65				
75	(65) Fully effective separation of network activities from supply and production activities should apply throughout the Union to both Union and non-Union undertakings. To ensure that network activities and supply and production activities throughout the Union remain independent from each other, regulatory authorities should be empowered to refuse certification to transmission system operators that	(65) Fully effective separation of network activities from supply and production activities should apply throughout the Union to both Union and non-Union undertakings. To ensure that network activities and supply and production activities throughout the Union remain independent from each other, regulatory authorities should be empowered to refuse certification to transmission system operators that	(65) Fully effective separation of network activities from supply and production activities should apply throughout the Union to both Union and non-Union undertakings. To ensure that network activities and supply and production activities throughout the Union remain independent from each other, regulatory authorities should be empowered to refuse certification to transmission system operators that	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	do not comply with the unbundling rules. To ensure the consistent application of those rules across the Union, the regulatory authorities should take utmost account of the Commission's opinion when the former take decisions on certification. To ensure, in addition, respect for the international obligations of the Union and solidarity and energy security within the Union, the Commission should have the right to give an opinion on certification in relation to a transmission system owner or a transmission system operator which is controlled by a person or persons from a third country or third countries.	do not comply with the unbundling rules. To ensure the consistent application of those rules across the Union, the regulatory authorities should take utmost account of the Commission's opinion when the former take decisions on certification. To ensure, in addition, respect for the international obligations of the Union and solidarity and energy security within the Union, the Commission should have the right to give an opinion on certification in relation to a transmission system owner or a transmission system operator which is controlled by a person or persons from a third country or third countries.	do not comply with the unbundling rules. To ensure the consistent application of those rules across the Union, the regulatory authorities should take utmost account of the Commission's opinion when the former take decisions on certification. To ensure, in addition, respect for the international obligations of the Union and solidarity and energy security within the Union, the Commission should have the right to give an opinion on certification in relation to a transmission system owner or a transmission system operator which is controlled by a person or persons from a third country or third countries.	
Recital 66				
76	(66) Pipeline networks for hydrogen should constitute an important means of efficient and sustainable transport for hydrogen, both onshore and offshore. As a result of the high capital expenditure required for their construction, hydrogen pipeline networks could constitute natural	(66) Pipeline networks for hydrogen ***will*** constitute an important means of efficient and sustainable transport for hydrogen, both onshore and offshore***, and complement the transport for hydrogen by other means such as liquid hydrogen, ammonia or other hydrogen carriers***. As a	(66) Pipeline networks for hydrogen should constitute an important means of efficient and sustainable transport for hydrogen, both onshore and offshore. As a result of the high capital expenditure required for their construction, hydrogen pipeline networks could constitute natural	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	monopolies. Experience with the regulation of natural gas markets has shown the importance of ensuring open and non-discriminatory access to pipeline networks with a view to safeguarding competition on commodity markets. Therefore, well-established principles of network operation, such as third-party access, should be applicable to onshore and offshore hydrogen networks in the Union.	result of the high capital expenditure required for their construction, hydrogen pipeline networks could constitute natural monopolies. Experience with the regulation of natural gas markets has shown the importance of ensuring open and non-discriminatory access to pipeline networks with a view to safeguarding competition on commodity markets. Therefore, well-established principles of network operation, such as third-party access, should be applicable to onshore and offshore hydrogen networks in the Union. ***The development of and the investment in such pipeline networks for hydrogen should be based on reasonable assumptions about the future demand and production of hydrogen and follow a transparent planning process, including stakeholder consultations.***	monopolies. Experience with the regulation of natural gas markets has shown the importance of ensuring open and non-discriminatory access to pipeline networks with a view to safeguarding competition on commodity markets. Therefore, well-established principles of network operation, such as third-party access, should be applicable to onshore and offshore hydrogen networks in the Union.	
Recital 67				
77	(67) The operation of hydrogen networks should be separated from activities of energy production and supply in order to avoid the risk of	(67) The operation of hydrogen networks should be separated from activities of energy production and supply in order to avoid the risk of	(67) The operation of hydrogen networks should be separated from activities of energy production and supply in order to avoid the risk of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	conflicts of interest on behalf of the network operators. The structural separation of ownership of hydrogen networks and participations in energy production and supply guarantees the absence of such conflicts of interest. Member States should be able to rely on the alternative unbundling model of "integrated hydrogen network operator" until 2030 to provide a transitional period for existing vertically integrated hydrogen networks. Member States should also be able to allow the use of the "independent hydrogen network operator" model to allow vertically integrated owners of hydrogen networks to retain ownership of their networks while ensuring the non-discriminatory operation of such networks after 2030.	conflicts of interest on behalf of the network operators. The structural separation of ownership of hydrogen networks and participations in energy production and supply guarantees the absence of such conflicts of interest. Member States should be able to rely on the alternative unbundling model of ***"***integrated hydrogen ***transmission*** network operator***"*** to provide a ***level playing field*** for existing vertically integrated hydrogen networks. Member States should also be able to allow the use of the ***"***independent hydrogen network operator***"*** model to allow vertically integrated owners of hydrogen ***transmission*** networks to retain ownership of their networks while ensuring the non-discriminatory operation of such networks ▌ .	conflicts of interest on behalf of the network operators. The structural separation of ownership of hydrogen networks and participations in energy production and supply guarantees the absence of such conflicts of interest. Member States should be able to rely on the alternative unbundling model of "integrated hydrogen network operator" ~~until 2030 to provide a transitional period~~**for transmission system operators for natural gas subject to the "Independent Transmission Operator" unbundling model and** for existing vertically integrated hydrogen networks. Member States should also be able to allow the use of the "independent hydrogen network operator" model to allow vertically integrated owners of hydrogen networks to retain ownership of their networks while ensuring the non-discriminatory operation of such networks after 2030.	
77a		***(67a) In the long term, rights and obligations for the transport of hydrogen is intended to be the***		*Open to EP in principle*

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		same as for the transport of natural gas. The regulatory framework for electricity and gas should therefore also apply to hydrogen, including the requirements to distinguish between the transmission and distribution of hydrogen and to apply the unbundling of distribution system operators to hydrogen distribution network operators.		
Recital 68				
78	(68) Whereas the joint operation of hydrogen networks and gas or electricity grids can create synergies and should thus be allowed, activities of hydrogen network operation should be organised in a separate legal entity in order to ensure transparency regarding financing and the use of access tariffs.	(68) ▌ The joint operation of hydrogen networks and gas or electricity grids can create synergies and should ***therefore*** be allowed***. Transparency regarding financing and the use of access tariffs should be ensured with a clear and transparent separation of accounts under the monitoring of the regulatory authorities. Where a*** hydrogen network ***operator is part of an undertaking active in transmission or distribution of natural gas or electricity, the network operator*** should ***submit to the regulatory authority a list detailing the infrastructure assets of the***	(68) Whereas the joint operation of hydrogen networks and gas or electricity grids can create synergies and should thus be allowed, activities of hydrogen network operation should be organised in a separate legal entity in order to ensure transparency regarding financing and the use of access tariffs.	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		undertakings regarding the allocation of the grid to the use of hydrogen or natural gas aiming to ensure ***full*** transparency regarding ***the separation of the regulatory asset base. That list should be updated in line with the usual auditing procedures for accounts***.		
78a		***(68a) Given the unprecedented nature of the European hydrogen market, ACER should assess, within 10 years of the entry into force of this Directive, how the application of the unbundling rules laid down in this Directive influence the development of the hydrogen market. The Commission should address potential substantiated structural shortcoming of this Directive.***		
Recital 69				
79	(69) The operation of hydrogen networks should be separated from the activities of energy production and supply in order to avoid the risk of conflicts of interest on	(69) The operation of hydrogen networks should be separated from the activities of energy production and supply in order to avoid the risk of conflicts of interest on	(69) ~~The operation of hydrogen networks should be separated from the activities of energy production and supply in order to avoid the risk of conflicts of interest on~~	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	behalf of the network operators. The structural separation of ownership of hydrogen networks and participation in energy production and supplies should guarantee the absence of such conflicts of interest. Member States should be able to rely on the alternative unbundling model of integrated hydrogen network operator until 2030 to provide a transitional period for existing vertically integrated hydrogen networks. Member States should also be able to offer the use of an independent hydrogen network operator to allow vertically integrated owners of hydrogen networks to retain ownership of their networks while ensuring the non-discriminatory operation of such networks after 2030.	behalf of the network operators. The structural separation of ownership of hydrogen networks and participation in energy production and supplies should guarantee the absence of such conflicts of interest. ***However,*** Member States should be able to rely on the alternative unbundling model of integrated hydrogen network operator ▌. Member States should also be able to offer the use of an independent hydrogen network operator to allow vertically integrated owners of hydrogen networks to retain ownership of their networks while ensuring the non-discriminatory operation of such networks ▌.	~~behalf of the network operators. The structural separation of ownership of hydrogen networks and participation in energy production and supplies should guarantee the absence of such conflicts of interest. Member States should be able to rely on the alternative unbundling model of integrated hydrogen network operator until 2030 to provide a transitional period for existing vertically integrated hydrogen networks. Member States should also be able to offer the use of an independent hydrogen network operator to allow vertically integrated owners of hydrogen networks to retain ownership of their networks while ensuring the non-discriminatory operation of such networks after 2030.~~	
Recital 70				
80	(70) In order to ensure transparency with regard to the costs and financing of regulated activities, activities of hydrogen network operation should be separated from other network operation activities for other energy carriers at least in relation	(70) In order to ensure transparency with regard to the costs and financing of regulated activities, activities of hydrogen network operation should be separated from other network operation activities for other energy carriers ▌ in relation to	(70) In order to ensure transparency with regard to the costs and financing of regulated activities, activities of hydrogen network operation should be separated from other network operation activities for other energy carriers at least in relation	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to the legal form and accounts of network operators.	the ▌ accounts of network operators.	to the legal form and accounts of network operators. **For the sake of legal unbundling of hydrogen network operators, the creation of a subsidiary or a separate legal entity within the group structure of the gas transmission or distribution system operator should be considered sufficient, without the need for a functional unbundling of governance or separation of management or staff. Transparency with regard to the costs and financing of regulated activities is thus achieved without losing the synergies and cost-advantages that operating several networks may be able to bring. In view of their remote location and limited market size, the requirement of legal unbundling should apply to Estonia, Latvia and Lithuania only as from 2031.**	
Recital 71				
81	(71) Hydrogen networks should be subject to third-party access in order to ensure competition and a level playing field in the market for hydrogen supply. Regulated third-party access on the basis of	(71) Hydrogen networks should be subject to third-party access in order to ensure competition and a level playing field in the market for hydrogen supply. Regulated third-party access on the basis of	(71) Hydrogen networks should be subject to third-party access in order to ensure competition and a level playing field in the market for hydrogen supply. Regulated third-party access on the basis of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	regulated access tariffs should be the default rule in the long-term. In order to ensure the necessary flexibility for operators and to reduce administrative costs during the ramp-up phase of the hydrogen market, Member States should have the option to allow the use of negotiated third-party access until 2030.	regulated access tariffs should be the default rule in the long-term. In order to ensure the necessary flexibility for operators and to reduce administrative costs during the ramp-up phase of the hydrogen market, Member States should have the option to allow the use of negotiated third-party access until 2030.	regulated access tariffs should be the default rule in the long-term. In order to ensure the necessary flexibility for operators and to reduce administrative costs during the ramp-up phase of the hydrogen market, Member States should have the option to allow the use of negotiated third-party access until 2030.	
Recital 72				
82	(72) The availability of large-scale underground hydrogen storage facilities is limited and distributed unevenly across Member States. In view of the potentially beneficial role for the functioning of hydrogen transport and markets, the access to such large-scale underground storages should be subject to regulated third party access in order to ensure a level playing field for market participants.	(72) The availability of large-scale underground hydrogen storage facilities is limited and distributed unevenly across Member States. In view of the potentially beneficial role for the functioning of hydrogen transport and markets, the access to such large-scale underground storages should be subject to regulated third party access in order to ensure a level playing field for market participants.	(72) **Only parts of the naturally occuring underground storages used for natural gas, such as salt caverns, acquifers and depleted gas fields can also by used for hydrogen.** The availability of **these** large-scale underground hydrogen storage facilities is limited and distributed unevenly across Member States. In view of the potentially beneficial role for the functioning of hydrogen transport and markets, the access to such large-scale underground storages should **ultimately** be subject to regulated third party access in order to ensure a level playing field for market participants. **However, in the ramp-up phase of a hydrogen**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			markets, there should be flexiblity for Member States to use also negotiated access regimes.	
82a			**(72a) It is to be expected that hydrogen and hydrogen derivatives (like amonia or liquid organic hydrogen carriers) will be imported into and transported within the Union. However, it is as yet uncertain by what means and in what form hydrogen will be transported whilst various means and forms are likely to coexist and compete with each other. This Directive provides a regulatory framework for infrastructure and markets for gaseous hydrogen. Consequently, only where other forms of hydrogen or derivatives and the facilities that handle them are relevant to ensure the emergence of a competive market for gaseous hydrogen the role and the rules that may apply to them should be defined in this Directive.**	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 73				
83	(73) Terminals for the conversion of liquid hydrogen or liquid ammonia into gaseous hydrogen constitute a means of hydrogen import, but they compete with other means of hydrogen transport. While third-party access to such terminals should be ensured, Member States should have the choice of imposing a system of negotiated third-party access with a view to reducing administrative costs for operators and regulatory authorities.	(73) Terminals for the conversion of liquid hydrogen or liquid ammonia into gaseous hydrogen constitute a means of hydrogen import, but they compete with other means of hydrogen transport. While third-party access to such terminals should be ensured, Member States should have the choice of imposing a system of negotiated third-party access with a view to reducing administrative costs for operators and regulatory authorities. ***The transport of imported hydrogen should not be limited to liquid hydrogen or liquid ammonia, but should be non-discriminatory and open to all hydrogen carriers that are technologically available, for example liquid organic hydrogen carrier (LOHC).***	(73) Terminals for the conversion of liquid hydrogen or liquid ammonia into gaseous hydrogen constitute a means of hydrogen import, but they compete with other means of hydrogen transport. While third-party access to such terminals should be ensured, Member States should have the choice of imposing a system of negotiated third-party access with a view to reducing administrative costs for operators and regulatory authorities. **The storage for liquid hydrogen or liquid ammonia associated with the terminal and to which access is granted should stand in proportion to the capacity of the terminal to convert and inject hydrogen into the network.**	
83a			**(73a) Member States may chose to phase-out gas in order to reach the climate-neutrality objective set out in Regulation (EU) 2021/1119 or for other technical reasons. It is important**	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			to provide a clear regulatory framework allowing for the refusal of access and the possible disconnection of network users to attain these policy objectives. For consistency and transparency reasons network users can only be refused access or disconnected if this concerns infrastructure that will be decommissioned in line with the network development plans and at distribution level it also needs to correspond to approved decommissioning. At the same time, adequate measures should to be undertaken to protect network users in such circumstances and it is also important that the refusal of access and disconnection decisions are subject to objective, transparent and non-discriminatory criteria developed by regulatory authorities.	
Recital 74				
84	(74) Existing vertically integrated hydrogen networks should be integrated into the regulatory	(74) Existing vertically integrated hydrogen networks should be integrated into the regulatory	(74) Existing vertically integrated hydrogen networks should be ~~integrated into the regulatory framework following a transition~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	framework following a transition period.	framework following a transition period.	~~periode~~**ligible to request derogations from the requirements of this Directive provided that these networks are not expanded significantly and for as long as such derogation does not have a detrimental effect on competition or hydrogen infrastructure or market development**.	
Recital 75				
85	(75) Localised hydrogen clusters should be an important building block of the European hydrogen economy. Such clusters could benefit from simplified regulatory requirements during the ramp-up phase of the hydrogen market.	(75) Localised hydrogen ***uses will be occurring in localised*** clusters ***and steered towards priority users and applications and*** should be an important building block of the European hydrogen ***networks*** economy. Such clusters could benefit from simplified regulatory requirements during the ramp-up phase of the hydrogen market.	(75) Localised hydrogen clusters should be an important building block of the European hydrogen economy. Such clusters could benefit from simplified regulatory requirements during the ramp-up phase of the hydrogen market**, in particular as regards the application of ownership unbundling to networks supplying such clusters. The corresponding simplified regulatory requirements should address also the need for regulatory flexibility of direct pipeline connections between hydrogen producers and individual customers as well as the supply of industrial hydrogen customers via**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			repurposed or new-built local distribution grids.	
Recital 76				
86	(76) Pipeline interconnectors with third countries can serve as a means of transport for imports or exports of hydrogen. The operating rules for such hydrogen interconnectors with third countries and rules on the certification of renewable and low-carbon hydrogen, should be enshrined in an intergovernmental agreement to ensure a coherent regulatory framework and its consistent application for the entire infrastructure.	(76) Pipeline interconnectors with third countries can serve as a means of transport for imports or exports of hydrogen. The operating rules for such hydrogen interconnectors with third countries and rules on the certification of renewable and low-carbon hydrogen, should be enshrined in an intergovernmental agreement to ensure a coherent regulatory framework and its consistent application for the entire infrastructure.	(76) Pipeline interconnectors with third countries can serve as a means of transport for imports or exports of hydrogen. The ~~operating rules for such~~**applicability of this Directive to** hydrogen ~~interconnectors with~~**pipeline lines to and from** third countries ~~and rules on the certification of renewable and low-carbon hydrogens~~**should be confined to the territory of the Member States. The operating rules forhydrogen interconnectors with third countries**, should be enshrined in an **international agreement between the Union and the connnected third country, or third countries. Such international agreement should not be considered necessary where the Member State connected or intending to be connected by the hydrogen interconnector negotiates and concludes an** intergovernmental agreement **with the third**	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			country or third countries concerned in accordance with the empowerment procedure provided for in this Directive, to ensure a coherent regulatory framework and its consistent application for the entire infrastructure.	
Recital 77				
87	(77) To ensure the efficient operation of the European hydrogen networks, hydrogen network operators should be responsible for the operation, maintenance and development of the hydrogen transport network in close cooperation with other hydrogen network operators as well as with other system operators to which their networks are or can be connected with, including to facilitate energy system integration.	(77) To ensure the efficient operation of the European hydrogen networks, hydrogen network operators should be responsible for the operation, maintenance and development of the ▌ network in close cooperation with other hydrogen network operators as well as with other system operators to which their networks are or can be connected with, including to facilitate energy system integration.	(77) To ensure the efficient operation of the European hydrogen networks, hydrogen network operators should be responsible for the operation, maintenance and development of the hydrogen transport network in close cooperation with other hydrogen network operators as well as with other system operators to which their networks are or can be connected with, including to facilitate energy system integration.	
Recital 78				
88	(78) Hydrogen network operators should be tasked with building sufficient cross-border capacity for the transportation of hydrogen	(78) Hydrogen network operators should be tasked with building sufficient cross-border capacity ***identified in line with the joint***	(78) **One or a limited number of** hydrogen network operators should be tasked **by the regulatory authority of the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	accommodating all economically reasonable and technically feasible demands for such capacity, thereby enabling market integration.	***network development plan*** for the transportation of hydrogen accommodating all economically reasonable and technically feasible demands for such capacity, thereby enabling market integration.	**Member States** with building sufficient cross-border capacity for the ~~transportation~~**transport** of hydrogen accommodating all economically reasonable and technically feasible demands for such capacity, thereby enabling market integration.	
88a			**(78a) In line with the Union's Hydrogen Strategy focus should be on the transport and use of hydrogen in its pure form. In this sense, the future hydrogen system should tranport, store and handle hydrogen of a high grade of purity taking into account hydrogen end-users' quality requirements, as opposed to hydrogen blended into the natural gas system. Future applicable hydrogen quality standards for the hydrogen system will further define the commonly acceptable hydrogen purity levels. A bandwith of acceptable hydrogen purity levels and other relevant hydrogen quality paramaters (e.g. contaminants) should be defined in a technical**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			standardisation process by European standardisation bodies.	
Recital 79				
89	(79) In some cases, depending among others on the topography of hydrogen networks and the population of end-users connected to the hydrogen networks, hydrogen quality management by hydrogen network operators could become necessary (e.g. purification). Therefore, regulatory authorities can task hydrogen network operators with ensuring efficient hydrogen quality management in their networks where necessary for system management. When undertaking such activities, hydrogen network operators should comply with applicable hydrogen quality standards.	(79) In some cases, depending among others on the topography of hydrogen networks and the population of end-users connected to the hydrogen networks, hydrogen quality management by hydrogen network operators could become necessary (e.g. purification). Therefore, regulatory authorities ***should*** task hydrogen network operators with ensuring efficient hydrogen quality management in their networks ***to meet the quality requirements of different end-use applications***. When undertaking such activities, hydrogen network operators should ***ensure stable hydrogen quality for end-users especially in hard-to-decarbonise sectors by complying with the applicable*** quality standards.	(79) In some cases, depending among others on the topography of hydrogen networks and the population of end-users connected to the hydrogen networks, hydrogen quality management by hydrogen network operators could become necessary (e.g. purification). Therefore, regulatory authorities can task hydrogen network operators with ensuring efficient hydrogen quality management in their networks where necessary for system management. When undertaking such activities, hydrogen network operators should comply with applicable hydrogen quality standards.	
Recital 80				
90				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(80) Where system operators for natural gas or hydrogen network operators refuse requests for access or connection due to a lack of capacity, should refusals should be duly substantiated, and operators should be required to enhance their system in order to enable the requested connections or access where it is economic to do so.	(80) Where system operators for natural gas or hydrogen network operators refuse requests for access or connection due to a lack of capacity ***or a low grade of purity, or impose disconnections, such*** refusals ***or disconnections*** should be duly substantiated ***and should be in line with the capacities identified in the network development plans.*** Operators should be required to enhance their system in order to enable the requested connections or access where it is economic to do so.	(80) Where system operators for natural gas or hydrogen network operators refuse requests for access or connection due to a lack of capacity, should refusals should be duly substantiated, and operators should be required to enhance their system in order to enable the requested connections or access where it is economic to do so.	
Recital 81				
91	(81) Obstacles to the completion of the internal market in natural gas which result from the non-application of Union market rules to gas transmission lines to and from third countries should also be adressed. It is necessary to ensure that the rules applicable to gas transmission lines connecting two or more Member States are also applicable, within the Union, to gas transmission lines to and from third countries. This should establish consistency of the legal	(81) Obstacles to the completion of the internal market in natural gas which result from the non-application of Union market rules to gas transmission lines to and from third countries should also be ***addressed***. It is necessary to ensure that the rules applicable to gas transmission lines connecting two or more Member States are also applicable, within the Union, to gas transmission lines to and from third countries. This should establish consistency of the legal	(81) Obstacles to the completion of the internal market in natural gas which result from the non-application of Union market rules to gas transmission lines to and from third countries should also be adressed. It is necessary to ensure that the rules applicable to gas transmission lines connecting two or more Member States are also applicable, within the Union, to gas transmission lines to and from third countries. This should establish consistency of the legal	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	framework within the Union while avoiding distortion of competition in the internal energy market in the Union and negative impacts on the security of supply. It should also enhance transparency and provide legal certainty to market participants, in particular investors in gas infrastructure and system users, as regards the applicable legal regime.	framework within the Union while avoiding distortion of competition in the internal energy market in the Union and negative impacts on the security of supply. It should also enhance transparency and provide legal certainty to market participants, in particular investors in gas infrastructure and system users, as regards the applicable legal regime.	framework within the Union while avoiding distortion of competition in the internal energy market in the Union and negative impacts on the security of supply. It should also enhance transparency and provide legal certainty to market participants, in particular investors in gas infrastructure and system users, as regards the applicable legal regime.	
Recital 82				
92	(82) Member States and the Contracting Parties to the Treaty establishing the Energy Community[1] should cooperate closely on all matters concerning the development of an integrated gas market and its decarbonisation and should take no measures that endanger the further integration of gas markets or the security of supply of Member States and Contracting Parties. This could include cooperation on storage capacities and invitation of experts to relevant regional gas risk groups. _____ 1. OJ L 198, 20.7.2006, p. 18.	(82) Member States and the Contracting Parties to the Treaty establishing the Energy Community***[17]*** should cooperate closely on all matters concerning the development of an integrated gas market and its decarbonisation and should take no measures that endanger the further integration of gas markets or the security of supply of Member States and Contracting Parties. This could include cooperation on storage capacities and invitation of experts to relevant regional gas risk groups. _____ ***17. OJ L 198, 20.7.2006, p. 18.***	(82) Member States and the Contracting Parties to the Treaty establishing the Energy Community[1] should cooperate closely on all matters concerning the development of an integrated gas market and its decarbonisation and should take no measures that endanger the further integration of gas markets or the security of supply of Member States and Contracting Parties. This could include cooperation on storage capacities and invitation of experts to relevant regional gas risk groups. _____ 1. **[1]** OJ L 198, 20.7.2006, p. 18.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 83				
93	(83) Pipelines connecting a third-country oil or gas production project to a processing plant or to a final coastal landing terminal within a Member State should be considered to be upstream pipeline networks. Pipelines connecting an oil or gas production project in a Member State to a processing plant or to a final coastal landing terminal within a third country should not be considered to be upstream pipeline networks for the purpose of this Directive, since such pipelines are unlikely to have a significant impact on the internal energy market.	(83) Pipelines connecting a third-country oil or gas production project to a processing plant or to a final coastal landing terminal within a Member State should be considered to be upstream pipeline networks. Pipelines connecting an oil or gas production project in a Member State to a processing plant or to a final coastal landing terminal within a third country should not be considered to be upstream pipeline networks for the purpose of this Directive, since such pipelines are unlikely to have a significant impact on the internal energy market.	(83) Pipelines connecting a third-country oil or gas production project to a processing plant or to a final coastal landing terminal within a Member State should be considered to be upstream pipeline networks. Pipelines connecting an oil or gas production project in a Member State to a processing plant or to a final coastal landing terminal within a third country should not be considered to be upstream pipeline networks for the purpose of this Directive, since such pipelines are unlikely to have a significant impact on the internal energy market.	
Recital 84				
94	(84) Transmission system operators should be free to conclude technical agreements with transmission system operators or other entities in third countries on issues concerning the operation and interconnection of transmission systems, provided that the content of such agreements is compatible with Union law.	(84) Transmission system operators should be free to conclude technical agreements with transmission system operators or other entities in third countries on issues concerning the operation and interconnection of transmission systems, provided that the content of such agreements is compatible with Union law.	(84) Transmission system operators should be free to conclude technical agreements with transmission system operators or other entities in third countries on issues concerning the operation and interconnection of transmission systems, provided that the content of such agreements is compatible with Union law.	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 85				
95	(85) Technical agreements regarding the operation of transmission lines between transmission system operators or other entities should remain in force provided that they comply with Union law and the relevant decisions of the regulatory authority.	(85) Technical agreements regarding the operation of transmission lines between transmission system operators or other entities should remain in force provided that they comply with Union law and the relevant decisions of the regulatory authority.	(85) Technical agreements regarding the operation of transmission lines between transmission system operators or other entities should remain in force provided that they comply with Union law and the relevant decisions of the regulatory authority.	
Recital 86				
96	(86) When such technical agreements are in place, the conclusion of an international agreement between a Member State and a third country or of an agreement between the Union and a third country regarding the operation of the gas transmission line concerned is not required by this Directive.	(86) When such technical agreements are in place, the conclusion of an international agreement between a Member State and a third country or of an agreement between the Union and a third country regarding the operation of the gas transmission line concerned is not required by this Directive.	(86) When such technical agreements are in place, the conclusion of an international agreement between a Member State and a third country or of an agreement between the Union and a third country regarding the operation of the gas transmission line concerned is not required by this Directive.	
Recital 87				
97	(87) The applicability of this Directive to gas transmission lines to and from third countries should	(87) The applicability of this Directive to gas transmission lines to and from third countries should	(87) The applicability of this Directive to gas transmission lines to and from third countries should	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	be confined to the territory of the Member States. As regards offshore gas transmission lines, this Directive should be applicable in the territorial sea of the Member State where the first interconnection point with the Member States' network is located.	be confined to the territory of the Member States. As regards offshore gas transmission lines, this Directive should be applicable in the territorial sea of the Member State where the first interconnection point with the Member States' network is located.	be confined to the territory of the Member States. As regards offshore gas transmission lines, this Directive should be applicable in the territorial sea of the Member State where the first interconnection point with the Member States' network is located.	
Recital 88				
98	(88) It should be possible for existing agreements concluded between a Member State and a third country on the operation of transmission lines to remain in force, in accordance with this Directive.	(88) It should be possible for existing agreements concluded between a Member State and a third country on the operation of transmission lines to remain in force, in accordance with this Directive.	(88) It should be possible for existing agreements concluded between a Member State and a third country on the operation of transmission lines to remain in force, in accordance with this Directive.	
Recital 89				
99	(89) With regard to agreements or parts of agreements with third countries which may affect common rules of the Union, a coherent and transparent procedure should be established by which to authorise a Member State, upon its request, to amend, extend, adapt, renew or conclude an agreement with a third country on the operation of a transmission	(89) With regard to agreements or parts of agreements with third countries which may affect common rules of the Union, a coherent and transparent procedure should be established by which to authorise a Member State, upon its request, to amend, extend, adapt, renew or conclude an agreement with a third country on the operation of a transmission	(89) With regard to agreements or parts of agreements with third countries which may affect common rules of the Union, a coherent and transparent procedure should be established by which to authorise a Member State, upon its request, to amend, extend, adapt, renew or conclude an agreement with a third country on the operation of a transmission	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	line or an upstream pipeline network between the Member State and a third country. The procedure should not delay the implementation of this Directive, should be without prejudice to the allocation of competence between the Union and the Member States, and should apply to existing and new agreements.	line or an upstream pipeline network between the Member State and a third country. The procedure should not delay the implementation of this Directive, should be without prejudice to the allocation of competence between the Union and the Member States, and should apply to existing and new agreements.	line or an upstream pipeline network between the Member State and a third country. The procedure should not delay the implementation of this Directive, should be without prejudice to the allocation of competence between the Union and the Member States, and should apply to existing and new agreements.	
Recital 90				
100	(90) Where it is apparent that the subject matter of an agreement falls partly within the competence of the Union and partly within that of a Member State, it is essential to ensure close cooperation between that Member State and the Union institutions.	(90) Where it is apparent that the subject matter of an agreement falls partly within the competence of the Union and partly within that of a Member State, it is essential to ensure close cooperation between that Member State and the Union institutions.	(90) Where it is apparent that the subject matter of an agreement falls partly within the competence of the Union and partly within that of a Member State, it is essential to ensure close cooperation between that Member State and the Union institutions.	
Recital 91				
101	(91) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission to adopt decisions authorising or refusing to authorise a Member State to amend, extend, adapt, renew or conclude an	(91) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission to adopt decisions authorising or refusing to authorise a Member State to amend, extend, adapt, renew or conclude an	(91) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission to adopt decisions authorising or refusing to authorise a Member State to amend, extend, adapt, renew or conclude an	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	agreement with a third country. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1]. _____ 1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	agreement with a third country. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council***[18]***. _____ ***18. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).***	agreement with a third country. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[1]. _____ 1. **[1]** Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	
Recital 92				
102	(92) The security of energy supply is an essential element of public security and is therefore inherently connected to the efficient functioning of the internal market in gas and the integration of the isolated gas markets of Member States. Gas can reach the citizens of the Union only through the network. Functioning open gas markets and, in particular, networks and other assets associated with gas supply are essential for public security, for the competitiveness of the economy and for the well-being of	(92) The security of energy supply is an essential element of public security and is therefore inherently connected to the efficient functioning of the internal market in gas and the integration of the isolated gas markets of Member States. Gas can reach the citizens of the Union only through the network. Functioning open gas markets ***under an adequate control of ACER and the regulatory authorities*** and, in particular, networks and other assets associated with gas supply are essential for public security,	(92) The security of energy supply is an essential element of public security and is therefore inherently connected to the efficient functioning of the internal market in gas and the integration of the isolated gas markets of Member States. Gas can reach the citizens of the Union only through the network. Functioning open gas markets and, in particular, networks and other assets associated with gas supply are essential for public security, for the competitiveness of the economy and for the well-being of	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the citizens of the Union. Persons from third countries should therefore only be allowed to control a transmission system or a transmission system operator if they comply with the requirements of effective separation that apply inside the Union. Without prejudice to the international obligations of the Union, the Union considers that the gas transmission system sector is of high importance to the Union and therefore additional safeguards are necessary regarding the preservation of the security of supply of energy to the Union to avoid any threats to public order and public security in the Union and the welfare of the citizens of the Union. The security of supply of energy to the Union requires, in particular, an assessment of the independence of network operation, the level of the Union 's and individual Member States' dependence on energy supply from third countries, and the treatment of both domestic and foreign trade and investment in energy in a particular third country. Security of supply should therefore be assessed in the light of the factual circumstances of each case as well	for the competitiveness of the economy and for the well-being of the citizens of the Union. Persons from third countries should therefore only be allowed to control a transmission system or a transmission system operator if they comply with the requirements of effective separation that apply inside the Union. Without prejudice to the international obligations of the Union, the Union considers that the gas transmission system sector is of high importance to the Union and therefore additional safeguards are necessary regarding the preservation of the security of supply of energy to the Union to avoid any threats to public order and public security in the Union and the welfare of the citizens of the Union. The security of supply of energy to the Union requires, in particular, an assessment of the independence of network operation, the level of the Union 's and individual Member States' dependence on energy supply from third countries, and the treatment of both domestic and foreign trade and investment in energy in a particular third country. Security of supply should therefore be	the citizens of the Union. Persons from third countries should therefore only be allowed to control a transmission system or a transmission system operator if they comply with the requirements of effective separation that apply inside the Union. Without prejudice to the international obligations of the Union, the Union considers that the gas transmission system sector is of high importance to the Union and therefore additional safeguards are necessary regarding the preservation of the security of supply of energy to the Union to avoid any threats to public order and public security in the Union and the welfare of the citizens of the Union. The security of supply of energy to the Union requires, in particular, an assessment of the independence of network operation, the level of the Union-'s and individual Member States' dependence on energy supply from third countries, and the treatment of both domestic and foreign trade and investment in energy in a particular third country. Security of supply should therefore be assessed in the light of the factual circumstances of each case as well	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	as the rights and obligations arising under international law, in particular the international agreements between the Union and the third country concerned. Where appropriate the Commission should submit recommendations to negotiate relevant agreements with third countries addressing the security of supply of energy to the Union or to include the necessary issues in other negotiations with those third countries.	assessed in the light of the factual circumstances of each case as well as the rights and obligations arising under international law, in particular the international agreements between the Union and the third country concerned. Where appropriate the Commission should submit recommendations to negotiate relevant agreements with third countries addressing the security of supply of energy to the Union or to include the necessary issues in other negotiations with those third countries.	as the rights and obligations arising under international law, in particular the international agreements between the Union and the third country concerned. Where appropriate the Commission should submit recommendations to negotiate relevant agreements with third countries addressing the security of supply of energy to the Union or to include the necessary issues in other negotiations with those third countries.	
Recital 93				
103	(93) Further measures should be taken in order to ensure transparent and non-discriminatory tariffs for access to transport. Those tariffs should be applicable to all users on a non-discriminatory basis. Where a storage facility, linepack or ancillary service operates in a sufficiently competitive market, access could be allowed on the basis of transparent and non-discriminatory market-based mechanisms.	(93) Further measures should be taken in order to ensure transparent and non-discriminatory tariffs for access to transport. Those tariffs should be applicable to all users on a non-discriminatory basis. Where a storage facility, linepack or ancillary service operates in a sufficiently competitive market, access could be allowed on the basis of transparent and non-discriminatory market-based mechanisms.	(93) Further measures should be taken in order to ensure transparent and non-discriminatory tariffs for access to transport. Those tariffs should be applicable to all users on a non-discriminatory basis. Where a storage facility, linepack or ancillary service operates in a sufficiently competitive market, access could be allowed on the basis of transparent and non-discriminatory market-based mechanisms.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 94				
104	(94) It is necessary to ensure the independence of storage system operators in order to improve third-party access to storage facilities that are technically or economically necessary for providing efficient access to the system for the supply of customers. It is therefore appropriate that storage facilities are operated through legally separate entities that have effective decision-making rights with respect to assets necessary to maintain, operate and develop storage facilities. It is also necessary to increase transparency in respect of the storage capacity that is offered to third parties, by obliging Member States to define and publish a non-discriminatory, clear framework that determines the appropriate regulatory regime applicable to storage facilities. That obligation should not require a new decision on access regimes but should improve the transparency regarding the access regime to storage. Confidentiality requirements for commercially	(94) It is necessary to ensure the independence of storage system operators in order to improve third-party access to storage facilities that are technically or economically necessary for providing efficient access to the system for the supply of customers. It is therefore appropriate that storage facilities are operated through legally separate entities that have effective decision-making rights with respect to assets necessary to maintain, operate and develop storage facilities. It is also necessary to increase transparency in respect of the storage capacity that is offered to third parties, by obliging Member States to define and publish a non-discriminatory, clear framework that determines the appropriate regulatory regime applicable to storage facilities. That obligation should not require a new decision on access regimes but should improve the transparency regarding the access regime to storage. Confidentiality requirements for commercially	(94) It is necessary to ensure the independence of storage system operators in order to improve third-party access to storage facilities that are technically or economically necessary for providing efficient access to the system for the supply of customers. It is therefore appropriate that storage facilities are operated through legally separate entities that have effective decision-making rights with respect to assets necessary to maintain, operate and develop storage facilities. It is also necessary to increase transparency in respect of the storage capacity that is offered to third parties, by obliging Member States to define and publish a non-discriminatory, clear framework that determines the appropriate regulatory regime applicable to storage facilities. That obligation should not require a new decision on access regimes but should improve the transparency regarding the access regime to storage. Confidentiality requirements for commercially	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	sensitive information are particularly important where data of a strategic nature are concerned or where there is only a single user of a storage facility.	sensitive information are particularly important where data of a strategic nature are concerned or where there is only a single user of a storage facility.	sensitive information are particularly important where data of a strategic nature are concerned or where there is only a single user of a storage facility.	
Recital 95				
105	(95) Non-discriminatory access to the distribution network determines downstream access to customers at retail level. The scope for discrimination as regards third party access and investment, however, is less significant at distribution level than at transmission level where congestion and the influence of production interests are generally greater than at distribution level. To lay down a level playing field at retail level, the activities of distribution system operators should be monitored so that they are prevented from taking advantage of their vertical integration as regards their competitive position on the market, in particular in relation to household and small non-household customers..	(95) Non-discriminatory access to the distribution network determines downstream access to customers at retail level. The scope for discrimination as regards third party access and investment, however, is less significant at distribution level than at transmission level where congestion and the influence of production interests are generally greater than at distribution level. To lay down a level playing field at retail level, the activities of distribution system operators should be monitored so that they are prevented from taking advantage of their vertical integration as regards their competitive position on the market, in particular in relation to household and small non-household customers. ▌	(95) Non-discriminatory access to the distribution network determines downstream access to customers at retail level. The scope for discrimination as regards third party access and investment, however, is less significant at distribution level than at transmission level where congestion and the influence of production interests are generally greater than at distribution level. To lay down a level playing field at retail level, the activities of distribution system operators should be monitored so that they are prevented from taking advantage of their vertical integration as regards their competitive position on the market, in particular in relation to household and small non-household customers..	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
105a		***(95a) In order to improve competition in the market for the operation of gas distribution systems, Member States should designate distribution system operators in accordance with a transparent procedure and should limit the length of such designations. This would ensure that distribution system operators are not designated in perpetuity and that the balance of power in concession negotiations with the relevant authorities is improved.***		
Recital 96				
106	(96) Member States should take concrete measures to assist the wider use of biogas and gas from biomass, the producers of which should be granted non-discriminatory access to the gas system, provided that such access is compatible with the relevant technical rules and safety standards on an ongoing basis.	(96) Member States should take concrete measures to assist the wider use of ***sustainable*** biogas and gas from biomass, ***in particular at local level, and steer it into priority applications such as industry feedstocks, district heating backup and high temperature uses in industry. Member States should also ensure that biomethane grid integration is based on national potential assessments and the applicable sustainability criteria. The producers*** should be granted	(96) Member States should take concrete measures to assist the wider use of ~~biogas and gas from biomass~~**biomethane, or other types of gases, that can technically and safely be injected into, and transported through, the natural gas system**, the producers of which should be granted non-discriminatory access to the gas system, provided that such access is compatible with the relevant technical rules and safety standards on an ongoing basis **and**	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		non-discriminatory access to the gas system, provided that such access is compatible with the relevant technical rules and safety standards on an ongoing basis.	**unless otherwise provided by this Directive**.	
Recital 97				
107	(97) Producers of renewable and low-carbon gases are often connected to the distribution grid. To facilitate their uptake and market integration, it is essential that they obtain unhindered access to the wholesale market and the relevant virtual trading points. Participation in the wholesale market is determined by the way in which the entry-exit systems are defined. In several Member States, producers connected to the distribution grid are not part of the entry-exit system. Therefore, the access of renewable and low-carbon gases to the wholesale market should be facilitated by providing a definition of an entry-exit system and ultimately ensuring that production facilities connected to the distribution system are part of it. In addition, Regulation [the recast Gas regulation as proposed in	(97) Producers of renewable ***gas*** and low-carbon ***gas*** are often connected to the distribution grid. To facilitate their uptake and market integration, it is essential that they obtain unhindered access to the wholesale market and the relevant virtual trading points. Participation in the wholesale market is determined by the way in which the entry-exit systems are defined. In several Member States, producers connected to the distribution grid are not part of the entry-exit system. Therefore, the access of renewable ***gas*** and low-carbon ***gas*** to the wholesale market should be facilitated by providing a definition of an entry-exit system and ultimately ensuring that production facilities connected to the distribution system ***can be*** part of it. In addition, Regulation [the recast Gas regulation as proposed in	(97) Producers of renewable and low-carbon gases are often connected to the distribution grid. To facilitate their uptake and market integration, it is essential that they obtain unhindered access to the wholesale market and the relevant virtual trading points. Participation in the wholesale market is determined by the way in which the entry-exit systems are defined. In several Member States, producers connected to the distribution grid are not part of the entry-exit system. Therefore, the access of renewable and low-carbon gases to the wholesale market should be facilitated by providing a definition of an entry-exit system **that allows for the inclusion of distribution systems** and ultimately ensuring that **all** production facilities ~~connected~~**have an access** to the ~~distribution system are part of~~	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	COM(2021)xxx] provides that distribution system operators and transmission system operates are to work together to enable reverse flows from the distribution to the transmission network or alternative means to facilitate the market integration of renewable and low carbon gases.	COM(2021)xxx] provides that distribution system operators and transmission system operates are to work together to enable reverse flows from the distribution to the transmission network or alternative means to facilitate the market integration of renewable ***gas and low-carbon gas***.	**i**~~I~~**market irrespective of whether they are connected to the distribution or transmission system** . In addition, Regulation [the recast Gas regulation as proposed in COM(2021)~~xxx~~ **804**] provides that distribution system operators and transmission system operates are to work together to enable reverse flows from the distribution to the transmission network or alternative means to facilitate the market integration of renewable and low carbon gases.	
Recital 98				
108	(98) To avoid imposing a disproportionate financial and administrative burden on small distribution system operators, Member States should be able, where necessary, to exempt the undertakings concerned from the legal unbundling requirements.	(98) To avoid imposing a disproportionate financial and administrative burden on small distribution system operators, Member States should be able, where necessary, to exempt the undertakings concerned from the legal unbundling requirements.	(98) To avoid imposing a disproportionate financial and administrative burden on small distribution system operators, Member States should be able, where necessary, to exempt the undertakings concerned from the legal unbundling requirements.	
Recital 99				
109	(99) Where a closed distribution system is used to ensure the optimal efficiency of an integrated energy supply requiring specific	(99) Where a closed distribution system is used to ensure the optimal efficiency of an integrated energy supply requiring specific	(99) Where a closed distribution system is used to ensure the optimal efficiency of an integrated energy supply requiring specific	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	operational standards, or a closed distribution system is maintained primarily for the use of the owner of the system, it should be possible to exempt the distribution system operator from obligations which would constitute an unnecessary administrative burden because of the particular nature of the relationship between the distribution system operator and the users of the system. Industrial, commercial or shared services sites such as train station buildings, airports, hospitals, large camping sites with integrated facilities or chemical industry sites could include closed distribution systems because of the specialised nature of their operations.	operational standards, or a closed distribution system is maintained primarily for the use of the owner of the system, it should be possible to exempt the distribution system operator from obligations which would constitute an unnecessary administrative burden because of the particular nature of the relationship between the distribution system operator and the users of the system. Industrial, commercial or shared services sites such as train station buildings, airports, hospitals, large camping sites with integrated facilities or chemical industry sites could include closed distribution systems because of the specialised nature of their operations.	operational standards, or a closed distribution system is maintained primarily for the use of the owner of the system, it should be possible to exempt the distribution system operator from obligations which would constitute an unnecessary administrative burden because of the particular nature of the relationship between the distribution system operator and the users of the system. Industrial, commercial or shared services sites such as train station buildings, airports, hospitals, large camping sites with integrated facilities or chemical industry sites could include closed distribution systems because of the specialised nature of their operations.	
Recital 100				
110	(100) With the integration of growing volumes of renewable and low-carbon gases in the natural gas system, the quality of gases transported and consumed in Europe will change. To ensure the efficient operation of the natural gas system, transmission system operators should be responsible for gas quality management in their	(100) With the integration of growing volumes of renewable ***gas*** and low-carbon ***gas*** in the natural gas system, the quality of ***gas*** transported and consumed in Europe will change. To ensure the efficient operation of the natural gas system, transmission system operators should be responsible for gas quality management in their	(100) With the integration of growing volumes of renewable and low-carbon gases in the natural gas system, the quality of gases transported and consumed in Europe will change. To ensure the efficient operation of the natural gas system, transmission system operators should be responsible for gas quality management in their	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	facilities. Where the injection of renewable and low-carbon gases takes place at distribution level and where necessary to manage their impact on gas quality, regulatory authorities can task distribution system operators with ensuring the efficient gas quality management in their facilities. When undertaking gas quality management tasks, transmission and distribution system operators should comply with applicable gas quality standards.	facilities. Where the injection of renewable ***gas*** and low-carbon ***gas*** takes place at distribution level and where necessary to manage their impact on gas quality, regulatory authorities can task distribution system operators with ensuring the efficient gas quality management in their facilities. When undertaking gas quality management tasks, transmission and distribution system operators should comply with applicable gas quality standards.	facilities. Where the injection of renewable and low-carbon gases takes place at distribution level and where necessary to manage their impact on gas quality, regulatory authorities can task distribution system operators with ensuring the efficient gas quality management in their facilities. When undertaking gas quality management tasks, transmission and distribution system operators should comply with applicable gas quality standards.	
Recital 101				
111	(101) Energy regulators need to be able to take decisions in relation to all relevant regulatory issues if the internal market in natural gas is to function properly, and to be fully independent from any other public or private interests. The provisions relating to autonomy in the implementation of the allocated budget of the regulatory authority should be implemented within the framework defined by national budgetary law and rules. While contributing to the independence of the regulatory authority from	(101) Energy regulators need to be able to take decisions in relation to all relevant regulatory issues if the internal market in natural gas is to function properly, and to be fully independent from any other ***political,*** public or private interests. The provisions relating to autonomy in the implementation of the allocated budget of the regulatory authority should be implemented within the framework defined by national budgetary law and rules. While contributing to the independence of the regulatory authority from	(101) Energy regulators need to be able to take decisions in relation to all relevant regulatory issues if the internal market in natural gas is to function properly, and to be fully independent from any other public or private interests. The provisions relating to autonomy in the implementation of the allocated budget of the regulatory authority should be implemented within the framework defined by national budgetary law and rules. While contributing to the independence of the regulatory authority from	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	any political or economic interest through an appropriate rotation scheme, it should be possible for Member States to take due account of the availability of human resources and of the size of the board.	any political or economic interest through an appropriate rotation scheme, it should be possible for Member States to take due account of the availability of human resources and of the size of the board.	any political or economic interest through an appropriate rotation scheme, it should be possible for Member States to take due account of the availability of human resources and of the size of the board.	
Recital 102				
112	(102) In order to ensure effective market access for all market players, including new entrants, non-discriminatory and cost-reflective balancing mechanisms are necessary. This should be achieved through the setting up of transparent market-based mechanisms for the supply and purchase of gas, needed in the framework of balancing requirements. Regulatory authorities should play an active role to ensure that balancing prices are non-discriminatory and cost-reflective. At the same time, appropriate incentives should be provided to balance the in-put and off-take of gas and not to endanger the system.	(102) In order to ensure effective market access for all market players, including new entrants, non-discriminatory and cost-reflective balancing mechanisms are necessary. This should be achieved through the setting up of transparent market-based mechanisms for the supply and purchase of gas, needed in the framework of balancing requirements. Regulatory authorities should play an active role to ensure that balancing prices are non-discriminatory and cost-reflective. At the same time, appropriate incentives should be provided to balance the in-put and off-take of gas and not to endanger the system.	(102) In order to ensure effective market access for all market players, including new entrants, non-discriminatory and cost-reflective balancing mechanisms are necessary. This should be achieved through the setting up of transparent market-based mechanisms for the supply and purchase of gas, needed in the framework of balancing requirements. Regulatory authorities should play an active role to ensure that balancing prices are non-discriminatory and cost-reflective. At the same time, appropriate incentives should be provided to balance the in-put and off-take of gas and not to endanger the system.	
Recital 103				

Public

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
113	(103) Regulatory authorities should be able to fix or approve tariffs, or the methodologies underlying the calculation of the tariffs, on the basis of a proposal by the transmission system operator or distribution system operator(s) or liquefied natural gas (LNG) system operator, or on the basis of a proposal agreed between those operators and the users of the network. In carrying out those tasks, regulatory authorities should ensure that transmission and distribution tariffs are non-discriminatory and cost-reflective, and should take account of the long-term, marginal, avoided network costs from demand-side management measures.	(103) Regulatory authorities should be able to fix or approve tariffs, or the methodologies underlying the calculation of the tariffs, on the basis of a proposal by the transmission system operator or distribution system operator(s) or liquefied natural gas (LNG) system operator, or on the basis of a proposal agreed between those operators and the users of the network. In carrying out those tasks, regulatory authorities should ensure that transmission and distribution tariffs are non-discriminatory and cost-reflective, and should take account of the long-term, marginal, avoided network costs from demand-side management measures.	(103) Regulatory authorities should be able to fix or approve tariffs, or the methodologies underlying the calculation of the tariffs, on the basis of a proposal by the transmission system operator or distribution system operator(s) or liquefied natural gas (LNG) system operator, or on the basis of a proposal agreed between those operators and the users of the network. In carrying out those tasks, regulatory authorities should ensure that transmission and distribution tariffs are non-discriminatory and cost-reflective, and should take account of the long-term, marginal, avoided network costs from demand-side management measures.	
Recital 104				
114	(104) Regulatory authorities should promote, in close cooperation with the Agency for the Cooperation of Energy Regulators (ACER), established by Regulation (EC) No 942/2019 of the European Parliament and of the Council[1], an open, competitive, secure and	(104) Regulatory authorities should promote, in close cooperation with the Agency for the Cooperation of Energy Regulators (ACER), established by Regulation (EC) No 942/2019 of the European Parliament and of the Council***[19]***, an open, competitive, secure and	(104) Regulatory authorities should promote, in close cooperation with the Agency for the Cooperation of Energy Regulators (ACER), established by Regulation- (~~EC~~**EU**) ~~No 942/2019~~ **2019/942** of the European Parliament and of the Council[1], an open, competitive,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	environmentally sustainable internal market in hydrogen with unhindered cross-border flows. Regulatory authorities need to be able to take decisions in relation to all relevant regulatory issues if the internal market in hydrogen is to function properly. _____ 1. See page 1 of this Official Journal.	environmentally sustainable internal market in hydrogen with unhindered cross-border flows. Regulatory authorities need to be able to take decisions in relation to all relevant regulatory issues if the internal market in hydrogen is to function properly. _____ ***19. See page 1 of this Official Journal.***	secure and environmentally sustainable internal market in hydrogen with unhindered cross-border flows. Regulatory authorities need to be able to take decisions in relation to all relevant regulatory issues if the internal market in hydrogen is to function properly. _____ 1. **[1] Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators (OJ L 158, 14.6.2019, p. 22).**See page 1 of this Official Journal.	
Recital 105				
115	(105) Energy regulators should have the power to issue binding decisions in relation to natural gas or hydrogen undertakings and to impose effective, proportionate and dissuasive penalties on natural gas or hydrogen undertakings which fail to comply with their obligations or to propose that a competent court impose such penalties on them. Energy regulators should also be granted the power to decide, irrespective of the application of competition	(105) Energy regulators should have the power to issue binding decisions in relation to natural gas or hydrogen undertakings and to impose effective, proportionate and dissuasive penalties on natural gas or hydrogen undertakings which fail to comply with their obligations or to propose that a competent court impose such penalties on them. Energy regulators should also be granted the power to decide, irrespective of the application of competition	(105) Energy regulators should have the power to issue binding decisions in relation to natural gas or hydrogen undertakings and to impose effective, proportionate and dissuasive penalties on natural gas or hydrogen undertakings which fail to comply with their obligations or to propose that a competent court impose such penalties on them. Energy regulators should also be granted the power to decide, irrespective of the application of competition	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	rules, on appropriate measures ensuring customer benefits through the promotion of effective competition necessary for the proper functioning of the internal market in natural gas and in hydrogen.The establishment of gas-release programmes is one of the possible measures that can be used to promote effective competition and ensure the proper functioning of the market.	rules, on appropriate measures ensuring customer benefits through the promotion of effective competition necessary for the proper functioning of the internal market in natural gas and in ***hydrogen. The*** establishment of gas-release programmes is one of the possible measures that can be used to promote effective competition and ensure the proper functioning of the market.	rules, on appropriate measures ensuring customer benefits through the promotion of effective competition necessary for the proper functioning of the internal market in natural gas and in hydrogen.The establishment of gas-release programmes is one of the possible measures that can be used to promote effective competition and ensure the proper functioning of the market.	
Recital 106				
116	(106) Energy regulators should also be granted the powers to contribute to ensuring high standards of public service in compliance with market opening, to the protection of vulnerable customers, and to the full effectiveness of consumer protection measures. Those provisions should be without prejudice to both the Commission's powers concerning the application of competition rules including the examination of mergers with a Union dimension, and the rules on the internal market such as the free movement of capital. The independent body	(106) Energy regulators should also be granted the powers to contribute to ensuring high standards of public service in compliance with market opening, to the protection of vulnerable customers, and to the full effectiveness of consumer protection measures. Those provisions should be without prejudice to both the Commission's powers concerning the application of competition rules including the examination of mergers with a Union dimension, and the rules on the internal market such as the free movement of capital. The independent body	(106) Energy regulators should also be granted the powers to contribute to ensuring high standards of public service in compliance with market opening, to the protection of vulnerable customers, and to the full effectiveness of consumer protection measures. Those provisions should be without prejudice to both the Commission's powers concerning the application of competition rules including the examination of mergers with a Union dimension, and the rules on the internal market such as the free movement of capital. The independent body	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to which a party affected by the decision of a regulatory authority has a right to appeal could be a court or other tribunal empowered to conduct a judicial review.	to which a party affected by the decision of a regulatory authority has a right to appeal could be a court or other tribunal empowered to conduct a judicial review.	to which a party affected by the decision of a regulatory authority has a right to appeal could be a court or other tribunal empowered to conduct a judicial review.	
Recital 107				
117	(107) Any harmonisation of the powers of regulatory authorities should include the powers to provide incentives to undertakings and to impose effective, proportionate and dissuasive penalties on undertakings or to propose that a competent court impose such penalties. Moreover, regulatory authorities should have the power to request relevant information from undertakings, make appropriate and sufficient investigations and settle disputes.	(107) Any harmonisation of the powers of regulatory authorities should include the powers to provide incentives to undertakings and to impose effective, proportionate and dissuasive penalties on undertakings or to propose that a competent court impose such penalties. Moreover, regulatory authorities should have the power to request relevant information from undertakings, make appropriate and sufficient investigations and settle disputes.	(107) Any harmonisation of the powers of regulatory authorities should include the powers to provide incentives to undertakings and to impose effective, proportionate and dissuasive penalties on undertakings or to propose that a competent court impose such penalties. Moreover, regulatory authorities should have the power to request relevant information from undertakings, make appropriate and sufficient investigations and settle disputes.	
Recital 108				
118	(108) The regulatory authorities and ACER should provide information on the hydrogen market to ensure transparency, including aspects such as supply and demand, transport infrastructure, quality of service,	(108) The regulatory authorities and ACER should provide information on the hydrogen market to ensure transparency, including aspects such as supply and demand, transport infrastructure, quality of service,	(108) The regulatory authorities and ACER should provide information on the hydrogen market to ensure transparency, including aspects such as supply and demand, transport infrastructure, quality of service,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	cross-border trade, investments, consumer prices, market liquidity.	***sources,*** cross-border trade, investments, ***wholesale and*** consumer prices, market liquidity.	cross-border trade, investments, consumer prices, market liquidity.	
Recital 109				
119	(109) Transmission system operators play an important role in ensuring cost effective investments in gas networks. For an optimised planning across energy carriers and to bridge the gap between the diverse national and EU-wide network planning approaches, additional requirements for consistent planning are introduced. The network planning should also take account of the increased interlinkages between natural gas and electricity, as well as hydrogen.	(109) Transmission system operators ***and hydrogen transmission network operators*** play an important role in ensuring cost effective investments in gas networks ***that contribute to the achievement of the Union's climate and energy targets***. For an optimised planning across energy carriers and to bridge the gap between the diverse national and ***Union-wide*** network planning approaches, additional requirements for consistent planning are introduced. The network planning should also take account of the increased interlinkages between natural gas and electricity, as well as hydrogen ***and district heating. To ensure a cost effective infrastructure rollout and to avoid stranded assets, the transmission system operators of gas and electricity and the hydrogen transmission network operators should develop a joint***	(109) Transmission system operators play an important role in ensuring cost effective investments in gas networks. For an optimised planning across energy carriers and to bridge the gap between the diverse national and EU-wide network planning approaches, additional requirements for consistent planning are introduced. The network planning should also take account of the increased interlinkages between natural gas and electricity, as well as hydrogen.	*Maintain Council wording*

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		network development plan combining natural gas, hydrogen and electricity. The network planning should be transparent and allow the relevant stakeholders to participate. To that effect, the operators as well as the regulatory authorities should be required to conduct an extensive stakeholder consultation. The European Scientific Advisory Board on Climate Change, established under Regulation (EU) 2021/1119 should be able give its opinion on the draft network development plan. The network development plan should promote energy system integration and prioritise hydrogen to end-users in hard-to-decarbonise sectors where no more energy and cost efficient alternatives are available.		
Recital 110				
120	(110) When developing the network development plan, it is important that infrastructure operators take the energy efficiency first principle[1] into account, in particular, the expected	(110) When developing the network development plan, it is important that infrastructure operators take the energy efficiency first***[20] and system efficiency principles*** into account,	(110) When developing the network development plan, it is important that infrastructure operators take the energy efficiency first principle[1] into account, in particular, the expected	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	consumption used for the joint scenario development. _____ 1. Commission Recommendation of 28.9/2021 on Energy Efficiency First: from principles to practice. Guidelines and examples for its implementation in decision-making in the energy sector and beyond, COM (2021) 7014 final	in particular, the expected consumption used for the joint scenario development. ***Demand-side solutions should be prioritised whenever they are more cost-effective than investments in infrastructure and the direct electrification of end-use sectors.*** _____ ***20. Commission Recommendation of 28.9/2021 on Energy Efficiency First: from principles to practice. Guidelines and examples for its implementation in decision-making in the energy sector and beyond, COM (2021) 7014 final.***	consumption used for the joint scenario development. _____ 1. Commission Recommendation of 28.9/2021 on Energy Efficiency First: from principles to practice. Guidelines and examples for its implementation in decision-making in the energy sector and beyond, COM (2021) 7014 final	
Recital 111				
121	(111) The energy system integration strategy points out the importance of the coordinated planning and operation of the energy system in achieving the decarbonisation objectives. Therefore it is necessary to draw up a network development plan based on a joint scenario developed on a cross-sectoral basis. While still keeping separate sectorial plans, infrastructure operators should work towards a higher level of integration taking	(111) The energy system integration strategy points out the importance of the coordinated planning and operation of the energy system in achieving the decarbonisation objectives. Therefore it is necessary to draw up a network development plan based on a joint scenario developed on a cross-sectoral basis. ▌ Infrastructure operators should work towards a higher level of integration taking into account system needs beyond specific energy carriers.	(111) The energy system integration strategy points out the importance of the coordinated planning and operation of the energy system in achieving the decarbonisation objectives. Therefore it is necessary to draw up a network development plan based on a joint scenario developed on a cross-sectoral basis. While still keeping separate sectorial plans, infrastructure operators should work towards a higher level of integration taking	***Uphold reference to « separate sectorial plans** » as there are different approaches between member states, but the joint scenario framework is also needed for the sectorial plan*

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	into account system needs beyond specific energy carriers.		into account system needs beyond specific energy carriers.	
Recital 112				
122	(112) Network development plans are an important element to identify infrastructure gaps and provide information on infrastructure that either needs to be built or that can be decommissioned and could be used for other purposes, such as hydrogen transport. This is true irrespective of the unbundling model chosen for the network operators.	(112) Network development plans are an important element to identify infrastructure gaps and provide information on infrastructure that ▌ needs to be built**,** that can be decommissioned ***or that*** could be used for other purposes, such as hydrogen transport. This is true irrespective of the unbundling model chosen for the network operators.	(112) Network development plans are an important element to identify infrastructure gaps and provide information on infrastructure that either needs to be built or that can be decommissioned and could be used for other purposes, such as hydrogen transport. This is true irrespective of the unbundling model chosen for the network operators.	
Recital 113				
123	(113) Providing information on infrastructure that can be decommissioned within the network development plan may mean either leaving the infrastructure unused, dismantling it or using it for other purposes, such as hydrogen transport. The objective of this increased transparency on infrastructure takes into account that repurposed infrastructure is comparatively	(113) Providing information on infrastructure that can be decommissioned ***or repurposed*** within the network development plan may mean either leaving the infrastructure unused, dismantling it or using it for other purposes, such as hydrogen transport. The objective of this increased transparency on infrastructure takes into account that repurposed infrastructure is comparatively	(113) Providing information on infrastructure that can be decommissioned within the network development plan may mean either leaving the infrastructure unused, dismantling it or using it for other purposes, such as hydrogen transport. The objective of this increased transparency on infrastructure takes into account that repurposed infrastructure is comparatively	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	cheaper than newly built infrastructure and hence should enable a cost effective transition.	cheaper than newly built infrastructure and hence should enable a cost effective transition. ***Therefore, a joint network development plan for natural gas, hydrogen and electricity should support synergies and thereby lead the way to a faster and more cost-efficient development of the hydrogen infrastructure.***	cheaper than newly built infrastructure and hence should enable a cost effective transition.	
Recital 114				
124	(114) In Member States where a hydrogen network will be developed, reporting on the development of hydrogen infrastructure should ensure that the construction of a hydrogen system is based on a realistic and forward-looking demand projections including potential needs from the perspective of the electricity system. If Member States decide to allow for dedicated charges as a means of co-funding new hydrogen infrastructure, the report should support the regulatory authority in its assessment of these charges. The report should be submitted to the regulatory authority on a regular basis to be decided by the	(114) In Member States where a hydrogen network will be developed, ***the network development plan*** should ensure that the construction of a hydrogen system is based on a realistic***, science-based*** and forward-looking demand projections including potential needs from the perspective of the electricity system. If Member States decide to allow for dedicated charges as a means of co-funding new hydrogen infrastructure, the ***network development plan*** should support the regulatory authority in its assessment of these charges. ▌	(114) In Member States where a hydrogen network will be developed, reporting on the development of hydrogen infrastructure should ensure that the construction of a hydrogen system is based on a realistic and forward-looking demand projections including potential needs from the perspective of the electricity system. If Member States decide to allow for dedicated charges as a means of co-funding new hydrogen infrastructure, the report should support the regulatory authority in its assessment of these charges. The report should be submitted to the regulatory authority on a regular basis to be decided by the	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	regulatory authority. In light of the ramp-up character of the hydrogen market, a disproportionate and continuous sequencing of the reporting obligation should however be avoided.		regulatory authority. In light of the ramp-up character of the hydrogen market, a disproportionate and continuous sequencing of the reporting obligation should however be avoided.	
Recital 115				
125	(115) Information contained in the network development plan should enable a forecast on the impacts on tariffs based on planning and decommissioning affecting the regulated asset base as mentioned in Article 51 of this Directive.	(115) Information contained in the network development plan should enable a forecast on the impacts on tariffs based on planning***, decommissioning or repurposing*** affecting the ***regulatory*** asset base ▌ .	(115) Information contained in the network development plan should enable a forecast on the impacts on tariffs based on planning and decommissioning affecting the regulated asset base as mentioned in Article 51 of this Directive.	
Recital 116				
126	(116) Instead of providing a national network development plan on individual Member State level, Member States should be allowed to choose to draw up a network development plan on regional level including more than one Member State and in line with voluntary regional gas market integration.	(116) Instead of providing a national network development plan on individual Member State level, Member States should be allowed to choose to draw up a network development plan on regional level including more than one Member State and in line with voluntary regional gas market integration.	(116) Instead of providing a national network development plan on individual Member State level, Member States should be allowed to choose to draw up a network development plan on regional level including more than one Member State and in line with voluntary regional gas market integration.	
Recital 117				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
127	(117) In contrast to electricity, the role of natural gas is expected to decrease, which also affects the demand for infrastructure investments. The network development plan therefore needs to balance competition concerns and avoid stranded assets. Consequently, ownership unbundled transmission system operators should not be covered by Article 51 (7).	(117) In contrast to electricity, the role of natural gas ***will increasingly decline in the future***, which also affects the demand for infrastructure investments. The network development plan therefore needs to balance competition concerns and avoid stranded assets. Consequently, ownership unbundled transmission system operators should not be covered by Article ***51(7)***.	(117) In contrast to electricity, the role of natural gas is expected to decrease, which also affects the demand for infrastructure investments. The network development plan therefore needs to balance competition concerns and avoid stranded assets. Consequently, ownership unbundled transmission system operators should not be covered by Article 51 (7).	
127a		***(117a) Member States should require distribution system operators and hydrogen distribution network operators to set out distribution network development plans which include the main distribution infrastructure that is required to integrate renewable gas from new production facilities as well as infrastructure that will be decommisioned or repurposed. The regulatory authority should approve the plans. Those plans should support the development of the ten-year network development plans as they***		*Cannot support mandating distribution system NDPs*

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		contain important information for determining the need for expansion, repurposing or decommissioning of the network. The distribution network development plans should promote the energy efficiency and energy system integration and be based on the local heating and cooling plans, in particular as regards the use of gas for the heating and cooling of buildings where more energy and cost efficient alternatives are available. Those plans should contribute to the achievement of the Union's energy and climate targets and be based on reasonable assumptions about demand and production of gas as well as prioritise other available energy system resources where it is more efficient, demand-side solutions and end-users in hard-to-decarbonise sectors where no other more energy and cost efficient options are available. When preparing the plan, the operators should be required to conduct a consultation process involving all relevant stakeholders and make the draft plans publicly available. Member States should ensure regulatory		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		guidance from the regulatory authorities and financial support for distribution system operators where parts of the distribution system may require decommissioning, in particular before the end of their originally projected depreciation time.		
127b		***(117b) Member States should ensure that regional and local authorities prepare local heating and cooling plans that aim to support the use of local renewable sources in the most efficient way and sector integration at local level. They should include a strategy that provides for the necessary requirements for the infrastructure at the distribution level in order to meet the current and future demand for heating and cooling of a specific area, including the energy demand of final customers in industry, SMEs, buildings and transport. That strategy should provide transparency for the public and final customers as well as a reliable timeframe for investors***		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		and infrastructure operators on distribution level to meet an area's heating and cooling needs. The plans should be based on the local heating and cooling planning provided for in Directive (EU) .../...+, taking into account the potential of energy efficiency as well as the energy performance of buildings, the joint scenario framework and the network development plan. Members States should complement the comprehensive heating and cooling assessment with a national strategy aiming to reduce the use of gas for the heating and cooling of buildings on distribution level where more energy and cost efficient alternatives are available.		
		+. OJ: Please insert in the text the number of the Directive contained in document PE-CONS .../... (2021/0203(COD)).		
Recital 118				
128	(118) Investments in major new infrastructure should be strongly promoted while ensuring the proper functioning of the internal market of gases. In order to	(118) Investments in major new infrastructure should be strongly promoted while ensuring the proper functioning of the internal market of ***gas***. In order to enhance	(118) Investments in major new infrastructure should be strongly promoted while ensuring the proper functioning of the internal market of gases. ~~In order to~~	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	enhance the positive effect of exempted infrastructure projects on competition and security of supply, market interest during the project planning phase should be tested and congestion management rules should be implemented. Where an infrastructure is located in the territory of more than one Member State, ACER should handle as a last resort the exemption request in order to take better account of its cross-border implications and to facilitate its administrative handling. Moreover, given the exceptional risk profile of constructing those exempted major infrastructure projects, it should be possible temporarily to grant partial or full derogations to undertakings with supply and production interests in respect of the unbundling rules for the projects concerned. The possibility of temporary derogations should apply, for security of supply reasons, in particular, to new pipelines within the Union transporting gas from third countries into the Union. Exemptions and derogations granted under Directives 2003/55/EC and 2009/73/EC with amendments should continue to	the positive effect of exempted infrastructure projects on competition and security of supply, market interest during the project planning phase should be tested and congestion management rules should be implemented. Where an infrastructure is located in the territory of more than one Member State, ACER should handle as a last resort the exemption request in order to take better account of its cross-border implications and to facilitate its administrative handling. Moreover, given the exceptional risk profile of constructing those exempted major infrastructure projects, it should be possible temporarily to grant partial or full derogations to undertakings with supply and production interests in respect of the unbundling rules for the projects concerned. The possibility of temporary derogations should apply, for security of supply reasons, in particular, to new pipelines within the Union transporting gas from third countries into the Union. Exemptions and derogations granted under Directives 2003/55/EC and 2009/73/EC with amendments should continue to	~~enhance the positive effect of exempted infrastructure projects on competition and security of supply, market interest during the project planning phase should be tested and congestion management rules should be implemented. Where an infrastructure is located in the territory of more than one Member State, ACER should handle as a last resort the exemption request in order to take better account of its cross-border implications and to facilitate its administrative handling~~ . ~~Moreover, given the exceptional risk profile of constructing those exempted major infrastructure projects,~~ It should be possible temporarily to grant partial or full derogations to undertakings with supply and production interests in respect of the unbundling rules for the projects concerned. The possibility of temporary derogations should apply, for security of supply reasons, in particular, to new pipelines within the Union transporting gas from third countries into the Union. Exemptions and derogations granted under Directives 2003/55/EC and 2009/73/EC with amendments should continue to	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	apply until the scheduled expiry date as decided in the granted exemption decision or derogation.	apply until the scheduled expiry date as decided in the granted exemption decision or derogation.	apply until the scheduled expiry date as decided in the granted exemption decision or derogation.	
Recital 119				
129	(119) It is necessary to progress towards interconnected hydrogen markets in the Union and thereby facilitate investments in cross-border hydrogen infrastructure. After 31 December 2030 when the regulated third-party access regime is applied comprehensively in all Member States and in the absence of cross-border transportation tariffs, a system of financial compensation should provide financial incentives for market participants to develop cross-border interconnectors.	(119) It is necessary to progress towards interconnected hydrogen markets in the Union and thereby facilitate investments in cross-border hydrogen infrastructure. After 31 December 2030 when the regulated third-party access regime is applied comprehensively in all Member States and in the absence of cross-border transportation tariffs, a system of financial compensation should provide financial incentives for market participants to develop cross-border interconnectors. ***When developing that system, hydrogen network operators should take into account Article 5(7) of Regulation (EU) 2022/869.***	(119) It is necessary to progress towards interconnected hydrogen markets in the Union and thereby facilitate investments in cross-border hydrogen infrastructure. After ~~31~~ December 2030 when the regulated third-party access regime is applied comprehensively in all Member States and**,** in the absence of cross-border ~~transportation~~**transport** tariffs, a system of financial compensation should provide financial incentives for market participants to develop cross-border interconnectors.	
Recital 120				
130	(120) Trust in the market, its liquidity and the number of market participants needs to increase, and,	(120) Trust in the market, its liquidity and the number of market participants needs to increase, and,	(120) Trust in the market, its liquidity and the number of market participants needs to increase, and,	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	therefore, regulatory oversight of undertakings active in the supply of gas needs to be increased. Such requirements should be without prejudice to, and compatible with, existing Union law in relation to the financial markets. Energy regulators and financial market regulators need to cooperate in order to enable each other to have an overview of the markets concerned.	therefore, regulatory oversight of undertakings active in the supply of gas needs to be increased. Such requirements should be without prejudice to, and compatible with, existing Union law in relation to the financial markets. Energy regulators and financial market regulators need to cooperate in order to enable each other to have an overview of the markets concerned.	therefore, regulatory oversight of undertakings active in the supply of gas needs to be increased. Such requirements should be without prejudice to, and compatible with, existing Union law in relation to the financial markets. Energy regulators and financial market regulators need to cooperate in order to enable each other to have an overview of the markets concerned. **Member States should be able to set the financial solidity of natural gas supply undertakings as a criterion to grant an authorisation for the sale, including resale, of natural gas. Such criterion should be fully transparant and non-discriminatory.**	
Recital 121				
131	(121) Natural gas is mainly, and increasingly, imported into the Union from third countries. Union law should take account of the characteristics of natural gas, such as certain structural rigidities arising from the concentration of suppliers, the long-term contracts or the lack of downstream	(121) Natural gas is mainly, and increasingly, imported into the Union from third countries. Union law should take account of the characteristics of natural gas, such as certain structural rigidities arising from the concentration of suppliers, the long-term contracts or the lack of downstream	(121) Natural gas is mainly, and increasingly, imported into the Union from third countries. Union law should take account of the characteristics of natural gas, such as certain structural rigidities arising from the concentration of suppliers, the long-term contracts or the lack of downstream	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	liquidity. Therefore, more transparency is needed, including in regard to the formation of prices.	liquidity. Therefore, more transparency is needed, ▌ in ***particular with*** regard to the formation of prices***, both wholesale and retail***.	liquidity. Therefore, more transparency is needed, including in regard to the formation of prices.	
Recital 122				
132	(122) Prior to the adoption by the Commission of guidelines defining further the record-keeping requirements, ACER and the Committee of European Securities Regulators (the 'CESR'), established by Commission Decision 2009/77/EC[1], should confer and advise the Commission in regard to their content. ACER and the CESR should also cooperate to investigate further and advise on whether transactions in gas supply contracts and gas derivatives should be subject to pre- and/or post-trade transparency requirements and, if so, what the content of those requirements should be. _____ 1. OJ L 25, 29.1.2009, p. 18.	(122) Prior to the adoption by the Commission of guidelines defining further the record-keeping requirements, ACER and the Committee of European Securities Regulators (the 'CESR'), established by Commission Decision 2009/77/EC***[21]***, should confer and advise the Commission in regard to their content. ACER and the CESR should also cooperate to investigate further and advise on whether transactions in gas supply contracts and gas derivatives should be subject to pre- and/or post-trade transparency requirements and, if so, what the content of those requirements should be. _____ ***21. OJ L 25, 29.1.2009, p. 18.***	(122) Prior to the adoption by the Commission of guidelines defining further the record-keeping requirements, ACER and the Committee of European Securities Regulators (the 'CESR'), established by Commission Decision 2009/77/EC[1], should confer and advise the Commission in regard to their content. ACER and the CESR should also cooperate to investigate further and advise on whether transactions in gas supply contracts and gas derivatives should be subject to pre- and/or post-trade transparency requirements and, if so, what the content of those requirements should be. _____ 1. **[1]** OJ L 25, 29.1.2009, p. 18.	
Recital 123				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
133	(123) Member States or, where a Member State has so provided, the regulatory authority, should encourage the development of interruptible supply contracts.	(123) Member States or, where a Member State has so provided, the regulatory authority, should encourage the development of interruptible supply contracts.	(123) Member States or, where a Member State has so provided, the regulatory authority, should encourage the development of interruptible supply contracts.	
Recital 124				
134	(124) Member States should ensure that, taking into account the necessary quality requirements, biogas and gas from biomass, in particular biomethane, or other types of gas are granted non-discriminatory access to the gas system, provided that such access is permanently compatible with the relevant technical rules and safety standards. Those rules and standards should ensure that those gases can technically and safely be injected into and transported through the natural gas system and should also address their chemical characteristics.	(124) Member States should ensure that, taking into account the necessary quality requirements, biogas and gas from biomass, in particular biomethane, or other types of gas are granted non-discriminatory access to the gas system, provided that such access is permanently compatible with the relevant technical rules and safety standards. Those rules and standards should ensure that ***such gas*** can technically and safely be injected into and transported through the natural gas system and should also address their chemical characteristics.	(124) Member States should ensure that, taking into account the necessary quality requirements, ~~biogas and gas from biomass, in particular~~ biomethane~~,~~ or other types of gas are granted non-discriminatory access to the gas system, provided that such access is permanently compatible with the relevant technical rules and safety standards. Those rules and standards should ensure that those gases can technically and safely be injected into and transported through the natural gas system and should also address their chemical characteristics.	
Recital 125				
135	(125) Long-term contracts are an important part of the gas supply of Member States. However, they	(125) Long-term contracts are an important part of the gas supply of Member States ▌ However, they	(125) Long-term contracts- are an important part of the gas supply of Member States. However, they	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	should not constitute a barrier to the entry of renewable and low carbon gases, which is why the duration of contracts for the supply of fossil gas will not be able to run beyond 2049. Such contracts shall always be in line with the objective of this Directive and are compatible with the TFEU, including the competition rules. It is necessary to take into account long-term contracts in the planning of supply and transport capacity of undertakings.	should not constitute a barrier to the entry of renewable ***gas and low-carbon gas***, which is why the duration of contracts for the supply of fossil gas will not be able to run beyond 2049. Such contracts ***should*** always ***comply*** with the objective of this Directive and ▌ with the TFEU, including the competition rules. It is necessary to take into account long-term contracts in the planning of supply and transport capacity of undertakings. ***While unabated fossil gas is still playing an important role, its relevance for securing the Union's energy supply will increasingly decline. In line with their national climate and energy plans, Members States should ensure the phase-out of fossil gas as soon as possible, taking into account the availability of alternatives. Member States may decide on an earlier end-date for the duration of long-term contracts for unabated fossil gas before the end of 2049.***	should not constitute a barrier to the entry of renewable and low carbon gases, which is why the duration of contracts for the supply of fossil gas will not be able to run beyond 2049. Such contracts shall always be in line with- the objective of this Directive and are compatible with the TFEU, including the competition rules. It is necessary to take into account long-term contracts in the planning of supply and transport capacity of undertakings.	
Recital 126				
136				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(126) In order to ensure the maintenance of high standards of public service in the Union, all measures taken by Member States to achieve the objectives of this Directive should be regularly notified to the Commission. The Commission should regularly publish a report analysing measures taken at national level to achieve public service objectives and comparing their effectiveness, with a view to making recommendations as regards measures to be taken at national level to achieve high public service standards.	(126) In order to ensure the maintenance of high standards of public service in the Union, all measures taken by Member States to achieve the objectives of this Directive should be regularly notified to the Commission. The Commission should regularly publish a report analysing measures taken at national level to achieve public service objectives and comparing their effectiveness, with a view to making recommendations as regards measures to be taken at national level to achieve high public service standards.	(126) In order to ensure the maintenance of high standards of public service in the Union , all measures taken by Member States to achieve the objectives of this Directive should be regularly notified to the Commission. The Commission should regularly publish a report analysing measures taken at national level to achieve public service objectives and comparing their effectiveness, with a view to making recommendations as regards measures to be taken at national level to achieve high public service standards.	
Recital 127				
137	(127) Respect for the public service requirements is a fundamental requirement of this Directive, and it is important that common minimum standards, respected by all Member States, are specified in this Directive, which take into account the objectives of common protection, security of supply, environmental protection and equivalent levels of competition in all Member States. It is important that the public	(127) Respect for the public service requirements is a fundamental requirement of this Directive, and it is important that common minimum standards, respected by all Member States, are specified in this Directive, which take into account the objectives of common protection, ***tackling energy poverty, price monitoring,*** security of supply, environmental protection and equivalent levels of competition in	(127) Respect for the public service requirements is a fundamental requirement of this Directive, and it is important that common minimum standards, respected by all Member States, are specified in this Directive, which take into account the objectives of common protection, security of supply, environmental protection and equivalent levels of competition in all Member States. It is important that the public	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	service requirements can be interpreted on a national basis, taking into account national circumstances and subject to the respect of Union law.	all Member States. It is important that the public service requirements can be interpreted on a national basis, taking into account national circumstances and subject to the respect of Union law.	service requirements can be interpreted on a national basis, taking into account national circumstances and subject to the respect of Union law.	
Recital 128				
138	(128) It should be possible for measures implemented by Member States to achieve the objectives of social and economic cohesion to include, in particular, the provision of adequate economic incentives, using, where appropriate, all existing national and Union tools. It should be possible for such tools to include liability mechanisms to guarantee the necessary investment.	(128) It should be possible for measures implemented by Member States to achieve the objectives of social and economic cohesion to include, in particular, the provision of adequate economic incentives, using, where appropriate, all existing national and Union tools. It should be possible for such tools to include liability mechanisms to guarantee the necessary investment.	(128) It should be possible for measures implemented by Member States to achieve the objectives of social and economic cohesion to include, in particular, the provision of adequate economic incentives, using, where appropriate, all existing national and Union tools. It should be possible for such tools to include liability mechanisms to guarantee the necessary investment.	
Recital 129				
139	(129) To the extent to which measures taken by Member States to fulfil public service obligations constitute State aid under Article 107(1) of the Treaty, there is an obligation under Article 108(3) of	(129) To the extent to which measures taken by Member States to fulfil public service obligations constitute State aid under Article 107(1) of the Treaty, there is an obligation under Article 108(3) of	(129) To the extent to which measures taken by Member States to fulfil public service obligations constitute State aid under Article ~~107(1) of the Treaty~~ **107(1) TFEU** , there is an obligation under Article 108(3) ~~of the Treaty~~	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the Treaty to notify them to the Commission.	the Treaty to notify them to the Commission.	**TFEU** to notify them to the Commission.	
Recital 130				
140	(130) Market prices should give the right incentives for the development of the network.	(130) Market prices should give the right incentives for the development of the network.	(130) Market prices should give the right incentives for the development of the network.	
140a			**(130a) Certain Member States, due to the historical features and levels of maturity of their natural gas markets should have the possibility to derogate from specific rules established in this Directive to prevent unjustified penalization, and to favour an efficient development of natural gas markets in these countries. This specifically applies to Luxembourg, due to its specific market characteristics, and to all those Member States that are not yet connected to the interconnected system of any other Member State or that have not yet received the first commercial supply of their first long-term natural gas supply contract. In order to ensure a**	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			uniform application of Union law, derogations for Member States that are not yet connected to the interconnected system of any other Member State or that have not yet received the first commercial supply of their first long-term natural gas supply contract should be of a temporary nature, until those Member States are able to meet higher standards in terms of market opening and interconnectivity with the integrated gas system in the EU. Where such derogation applies, it should also cover any provisions in this Directive that are ancillary to, or that require the prior application of, any of the provisions from which a derogation has been granted.	
Recital 131				
141	(131) Promoting fair competition and easy access for different suppliers should be of the utmost importance for Member States in order to allow consumers to take full advantage of the opportunities of a liberalised internal market in gases.	(131) Promoting fair competition and easy access for different suppliers should be of the utmost importance for Member States in order to allow consumers to take full advantage of the opportunities of a liberalised internal market in ***gas***.	(131) Promoting fair competition and easy access for different suppliers should be of the utmost importance for Member States in order to allow consumers to take full advantage of the opportunities of a liberalised internal market in gases.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 132				
142	(132) In order to contribute to security of supply whilst maintaining a spirit of solidarity between Member States, notably in the event of an energy supply crisis, it is important to provide for a framework for regional cooperation in a spirit of solidarity. Such cooperation may rely, if Member States so decide, first and foremost on market-based mechanisms. Cooperation for the promotion of regional and bilateral solidarity should not impose a disproportionate burden on or discriminate between market participants.	(132) In order to contribute to security of supply whilst maintaining a spirit of solidarity between Member States, notably in the event of an energy supply crisis, it is important to provide for a framework for regional cooperation in a spirit of solidarity. Such cooperation may rely, if Member States so decide, ▌ on market-based mechanisms. Cooperation for the promotion of regional and bilateral solidarity should not impose a disproportionate burden on or discriminate between market participants.	(132) In order to contribute to security of supply whilst maintaining a spirit of solidarity between Member States, notably in the event of an energy supply crisis, it is important to provide for a framework for regional cooperation in a spirit of solidarity. Such cooperation may rely, if Member States so decide, first and foremost on market-based mechanisms. Cooperation for the promotion of regional and bilateral solidarity should not impose a disproportionate burden on or discriminate between market participants.	
Recital 133				
143	(133) With a view to creating an internal market in natural gas, Member States should foster the integration of their national markets and the cooperation of system operators at Union and regional level, also incorporating the isolated systems forming gas islands that persist in the Union.	(133) With a view to creating an internal market in natural gas, Member States should foster the integration of their national markets and the cooperation of system operators at Union and regional level, also incorporating the isolated systems forming gas islands that persist in the Union.	(133) With a view to creating an internal market in natural gas, Member States should foster the integration of their national markets and the cooperation of system operators at Union and regional level, also incorporating the isolated systems forming gas islands that persist in the Union.	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 134				
144	(134) Voluntary regional markets integration, notably market mergers, can provide various benefits, depending on the specificities of the markets. Market integration may be an opportunity to make best use of infrastructure provided it does not negatively impact neighbouring markets, for instance by increased cross-border tariffs. It is also a chance to increase competition, liquidity and trade to the benefit of the end-consumers in the region, by attracting suppliers which otherwise would not come due to the small market size. Market integration allows also to create bigger zones accessing more supply sources. Such diversification might have an impact on the wholesale market prices, thanks to an improved competition between sources, but may also improve security of supply if there is no remaining internal congestion in the new merged zone. Market integration could be a basis to further support the transformation of the natural	(134) Voluntary regional markets integration, notably market mergers, can provide various benefits, depending on the specificities of the markets. Market integration may be an opportunity to make best use of infrastructure provided it does not negatively impact neighbouring markets, for instance by increased cross-border tariffs. It is also a chance to increase competition, liquidity and trade to the benefit of the end-consumers in the region, by attracting suppliers which otherwise would not come due to the small market size. Market integration allows also to create bigger zones accessing more supply sources. Such diversification ***could*** have an impact on the wholesale market prices, thanks to an improved competition between sources, but may also improve security of supply if there is no remaining internal congestion in the new merged zone. Market integration could be a basis to further support the transformation of the natural	(134) Voluntary regional markets integration, notably market mergers, can provide various benefits, depending on the specificities of the markets. Market integration may be an opportunity to make best use of infrastructure provided it does not negatively impact neighbouring markets, for instance by increased cross-border tariffs. It is also a chance to increase competition, liquidity and trade to the benefit of the end-consumers in the region, by attracting suppliers which otherwise would not come due to the small market size. Market integration allows also to create bigger zones accessing more supply sources. Such diversification might have an impact on the wholesale market prices, thanks to an improved competition between sources, but may also improve security of supply if there is no remaining internal congestion in the new merged zone. Market integration could be a basis to further support the transformation of the natural	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	gas market, including the deployment of renewable and low-carbon gases. Member States, regulatory authorities and transmission system operators should cooperate to facilitate regional integration.	gas market, including the deployment of renewable ***gas*** and low-carbon ***gas***. Member States, regulatory authorities and transmission system operators should cooperate to facilitate regional integration.	gas market, including the deployment of renewable and low-carbon gases. Member States, regulatory authorities and transmission system operators should cooperate to facilitate regional integration.	
Recital 135				
145	(135) The development of a true internal market in natural gas, through a network connected across the Union, should be one of the main goals of this Directive and regulatory issues on cross border interconnections and regional markets should, therefore, be one of the main tasks of the regulatory authorities, in close cooperation with ACER where relevant.	(135) The development of a true internal market in natural gas, through a network connected across the Union, should be one of the main goals of this Directive and regulatory issues on cross border interconnections and regional markets should, therefore, be one of the main tasks of the regulatory authorities, in close cooperation with ACER where relevant.	(135) The development of a true internal market in natural gas, through a network connected across the Union, should be one of the main goals of this Directive and regulatory issues on cross border interconnections and regional markets should, therefore, be one of the main tasks of the regulatory authorities, in close cooperation with ACER where relevant.	
Recital 136				
146	(136) Securing common rules for a true internal market and a broad supply of gas should also be one of the main goals of this Directive. To that end, undistorted market prices would provide an incentive	(136) Securing common rules for a true internal market and a broad supply of gas should also be one of the main goals of this Directive. To that end, undistorted market prices would provide an incentive	(136) Securing common rules for a true internal market and a broad supply of gas should also be one of the main goals of this Directive. To that end, undistorted market prices would provide an incentive	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	for cross-border trade while leading, to price convergence.	for cross-border trade while leading, to price convergence.	for cross-border trade while leading, to price convergence.	
Recital 137				
147	(137) The regulatory authorities should also provide information on the market to permit the Commission to exercise its role of observing and monitoring the internal market in natural gas and its short, medium and long-term evolution, including aspects such as supply and demand, transmission and distribution infrastructure, quality of service, cross-border trade, congestion management, investments, wholesale and consumer prices, market liquidity and environmental and efficiency improvements. Regulatory authorities should report to the competition authorities and the Commission those Member States in which prices impair competition and proper functioning of the market.	(137) The regulatory authorities should also provide information on the market to permit the Commission to exercise its role of observing and monitoring the internal market in natural gas and its short, medium and long-term evolution, including aspects such as supply and demand, transmission and distribution infrastructure, quality of service, cross-border trade, congestion management, investments, wholesale and consumer prices, market liquidity and environmental and efficiency improvements. Regulatory authorities should report to the competition authorities and the Commission ***about*** those Member States in which prices ***negatively affect consumers,*** impair competition and proper functioning of the market.	(137) The regulatory authorities should also provide information on the market to permit the Commission to exercise its role of observing and monitoring the internal market in natural gas and its short, medium and long-term evolution, including aspects such as supply and demand, transmission and distribution infrastructure, quality of service, cross-border trade, congestion management, investments, wholesale and consumer prices, market liquidity and environmental and efficiency improvements. Regulatory authorities should report to the competition authorities and the Commission those Member States in which prices impair competition and proper functioning of the market.	
Recital 138				
148				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(138) Since the objective of this Directive, namely the creation of a fully operational internal market in natural gas and in hydrogen, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of such an action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.	(138) Since the objective of this Directive, namely the creation of a fully operational internal market in natural gas and in hydrogen, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of such an action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.	(138) Since the objective of this Directive, namely the creation of a fully operational internal market in natural gas and in hydrogen, cannot be sufficiently achieved by the Member States- but can rather, by reason of the scale or effects of such an action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.	
Recital 139				
149	(139) Under Regulation (EC) No 715/2009 of the European Parliament and of the Council[1], the Commission may adopt guidelines or network codes to achieve the necessary degree of harmonisation. Such guidelines or network codes, which constitute binding rules adopted as Commission Regulations, are, also with regard to certain provisions of this Directive, a useful tool	(139) Under Regulation (EC) No 715/2009 of the European Parliament and of the Council[22], the Commission may adopt guidelines or network codes to achieve the necessary degree of harmonisation. Such guidelines or network codes, which constitute binding rules adopted as Commission Regulations, are, also with regard to certain provisions of this Directive, a useful tool	(139) Under Regulation (EC) No 715/2009 of the European Parliament and of the Council[1] , the Commission may adopt guidelines or network codes to achieve the necessary degree of harmonisation. Such guidelines or network codes, which constitute binding rules adopted as Commission **implementing** regulations, are, also with regard to certain provisions of this	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	which can be adapted quickly where necessary. _____ 1. Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005 (OJ L 211, 14.8.2009, p. 36).	which can be adapted quickly where necessary. _____ ***22. Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005 (OJ L 211, 14.8.2009, p. 36).***	Directive, a useful tool which can be adapted quickly where necessary. _____ 1. Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005 (OJ L 211, 14.8.2009, p. 36).	
Recital 140				
150	(140) In particular, the Commission should be empowered to adopt the guidelines necessary for providing the minimum degree of harmonisation required to achieve the aim of this Directive.	(140) In particular, the Commission should be empowered to adopt the guidelines necessary for providing the minimum degree of harmonisation required to achieve the aim of this Directive.	(140) In particular, the Commission should be empowered to adopt the guidelines necessary for providing the minimum degree of harmonisation required to achieve the aim of this Directive.	
Recital 141				
151	(141) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the	(141) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the	(141) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified, in particular following the judgment of the European Court of Justice in Case Commission vs Belgium (case C-543/17).	relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified, in particular following the judgment of the European Court of Justice in Case Commission vs Belgium (case C-543/17).	relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified, in particular following the judgment of the European Court of Justice in Case Commission vs Belgium (case C-543/17).	
Recital 142				
152	(142) This Directive respects the fundamental rights, and observes the principles, recognised in particular by the Charter of Fundamental Rights of the European Union. Accordingly, this Directive should be interpreted and applied in accordance with those rights and principles, in particular the right to the protection of personal data guaranteed by Article 8 of the Charter. It is essential that any processing of personal data under this Directive comply with Regulation (EU) 2016/679 of the European Parliament and of the Council[1].	(142) This Directive respects the fundamental rights, and observes the principles, recognised in particular by the Charter of Fundamental Rights of the European Union. Accordingly, this Directive should be interpreted and applied in accordance with those rights and principles, in particular the right to the protection of personal data guaranteed by Article 8 of the Charter. It is essential that any processing of personal data under this Directive comply with Regulation (EU) 2016/679 of the European Parliament and of the Council[23].	(142) This Directive respects the fundamental rights, and observes the principles, recognised in particular by the Charter of Fundamental Rights of the European Union. Accordingly, this Directive should be interpreted and applied in accordance with those rights and principles, in particular the right to the protection of personal data guaranteed by Article 8 of the Charter. It is essential that any processing of personal data under this Directive comply with Regulation (EU) 2016/679 of the European Parliament and of the Council[1].	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. OJ L 119, 4.5.2016, p. 1.	***23. OJ L 119, 4.5.2016, p. 1.***	1. OJ L 119, 4.5.2016, p. 1.	
Recital 143				
153	(143) In order to provide the minimum degree of harmonisation required to achieve the aim of this Directive, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of non-essential elements of certain specific areas which are fundamental for achieving the objectives of this Directive. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to	(143) In order to provide the minimum degree of harmonisation required to achieve the aim of this Directive, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of non-essential elements of certain specific areas which are fundamental for achieving the objectives of this Directive. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level ***and with the public***, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making***[24]***. In particular, to ensure equal participation in the preparation of delegated acts, the ***public, the*** European Parliament and the Council receive all documents at the same time as Member States' experts ***and the***	(143) In order to provide the minimum degree of harmonisation required to achieve the aim of this Directive, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of non-essential elements of certain specific areas which are fundamental for achieving the objectives of this Directive. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making[1]. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	meetings of Commission expert groups dealing with the preparation of the delegated acts. 1. OJ L 123, 12.5.2016, p. 1.	***public***, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of the delegated acts. ***The Commission should also ensure that the public has access to all documents submitted to the Commission in connection with the adoption of the delegated acts.*** ***24. OJ L 123, 12.5.2016, p. 1.***	meetings of Commission expert groups dealing with the preparation of the delegated acts. 1. **[1]** OJ L 123, 12.5.2016, p. 1.	
Recital 144				
154	(144) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission to determine interoperability requirements and non-discriminatory and transparent procedures for access to data. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.	(144) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission to determine interoperability requirements and non-discriminatory and transparent procedures for access to data. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.	(144) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission to determine interoperability requirements and non-discriminatory and transparent procedures for access to data. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.	
Recital 145				
155	(145) The obligation to transpose this Directive into national law should be confined to those	(145) The obligation to transpose this Directive into national law should be confined to those	(145) The obligation to transpose this Directive into national law should be confined to those	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	provisions which represent a substantive amendment as compared to the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.	provisions which represent a substantive amendment as compared to the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.	provisions which represent a substantive amendment as compared to the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.	
Recital 146				
156	(146) In order to ensure a smooth and effective implementation of the provisions laid down in this Directive, the Commission supports Member States through the Technical Support Instrument[1] providing tailor-made technical expertise to design and implement reforms, including those promoting a competitive internal market in natural gas and in hydrogen, enabling the integration of renewables and low carbon gases, and increasing cooperation and coordination among transmission and distribution system operators. The technical support, for example, involves strengthening of administrative capacity, harmonising the legislative frameworks, and sharing of relevant best practices. _____	(146) In order to ensure a smooth and effective implementation of the provisions laid down in this Directive, the Commission supports Member States through the Technical Support Instrument[25] providing tailor-made technical expertise to design and implement reforms, including those promoting a competitive internal market in natural gas and in hydrogen, enabling the integration of renewables and ***low-carbon gas***, and increasing cooperation and coordination among transmission and distribution system operators. The technical support, for example, involves strengthening of administrative capacity, harmonising the legislative frameworks, and sharing of relevant best practices. _____	(146) In order to ensure a smooth and effective implementation of the provisions laid down in this Directive, the Commission supports Member States through the Technical Support Instrument **established by Regulation (EU) 2021/240 of the European Parliament and of the Council[1] and** [1] providing tailor-made technical expertise to design and implement reforms, including those promoting a competitive internal market in natural gas and in hydrogen, enabling the integration of renewables and low carbon gases, and increasing cooperation and coordination among transmission and distribution system operators. The technical support, for example, involves strengthening of administrative capacity, harmonising the legislative	

Public

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument (OJL 57, 18.2.2021, p.1).	***25. Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument (OJ L 57, 18.2.2021, p.1).***	frameworks, and sharing of relevant best practices. _____ 1. Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument (~~OJL~~**OJ L** 57, 18.2.2021, p.1).	
Recital 147				
157	(147) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for the transposition into national law and the date of application of the Directives set out in Annex III, Part B.	(147) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for the transposition into national law and the date of application of the Directives set out in Annex III, Part B**,**	(147) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for the transposition into national law and the date of application of the Directives set out in Annex III, Part B.	
Formula				
158	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	
Chapter I				
159	Chapter I Subject matter, scope and definitions	Chapter I Subject matter, scope and definitions	Chapter I Subject matter, scope and definitions	
Article 1				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
160	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope	
160a		***-1. This Directive establishes a common framework for the decarbonisation of the gas market. To that end, it promotes the energy efficiency first principle, the integration of renewable gas and further energy system integration, contributes to the prudent and rational use of natural resources and to the achievement of the Union's climate and energy targets, and provides for fair attributions of costs and benefits as well as for a clear identification of responsibilities among market participants.***		
Article 1(1)				
161	1. This Directive establishes common rules for the transmission, distribution, supply and storage of gases within the meaning of Article 2, point (2) using the natural gas system	1. This Directive establishes common rules for the transmission, distribution, supply and storage of ***gas using the natural gas and hydrogen system, and consumer protection***	1. This Directive establishes common rules for the transmission, distribution, supply and storage of gases within the meaning of Article 2, point ~~(2)~~ **(3)** using the natural gas system	*Maintain precise Council text*

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	defined in point (3) of that Article. It lays down the rules relating to the organisation and functioning of that sector, access to the market, the criteria and procedures applicable to the granting of authorisations for transmission, distribution, supply and storage of gases using the natural gas system and the operation of systems.	***provisions, with a view to creating a truly integrated, competitive, consumer-centred, flexible, fair, transparent and non-discriminatory gas market in the Union***. It lays down the rules relating to the organisation and functioning of ***those sectors***, access to the market, the criteria and procedures applicable to the granting of authorisations for transmission, distribution, supply and storage of ***gas*** using the natural gas ***and hydrogen*** system and the operation of systems.	defined in point ~~(3)~~ **(4)** of that Article . It lays down the rules relating to the organisation and functioning of that sector, access to the market, the criteria and procedures applicable to the granting of authorisations for transmission, distribution, supply and storage of gases using the natural gas system and the operation of systems.	
Article 1(2)				
162	2. This Directive establishes rules for the transport, supply and storage of natural gas and the transition of the natural gas system to a system based on renewable and low-carbon gases.	2. This Directive establishes rules for the transport, supply and storage of natural gas and the transition***, including decommissioning and repurposing,*** of the natural gas system ***towards an integrated highly efficient*** system based on renewable ***gas*** and low-carbon ***gas where no more energy or cost efficient alternatives are available***.	2. This Directive establishes rules for the transport, supply and storage of natural gas and the transition of the natural gas system to a system based on renewable and low-carbon gases.	*EP wording acceptable except for « …where no more energy or cost efficient alternatives are available » which should be deleted*
Article 1(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
163	3. This Directive establishes common rules for the transport, supply and storage of hydrogen using the hydrogen system. It lays down the rules relating to the organisation and functioning of this sector, access to the market, the criteria and procedures applicable to the granting of authorisations for networks, supply and storage of hydrogen and the operation of systems.	3. This Directive establishes common rules for the transport, supply and storage of hydrogen using the hydrogen system. It lays down the rules relating to the organisation and functioning of this sector, access to the market, the criteria and procedures applicable to the granting of authorisations for networks, supply and storage of hydrogen and the operation of systems.	3. This Directive establishes common rules for the transport, supply and storage of hydrogen using the hydrogen system. It lays down the rules relating to the organisation and functioning of this sector, access to the market, the criteria and procedures applicable to the granting of authorisations for networks, supply and storage of hydrogen and the operation of systems.	
Article 1(4)				
164	4. This Directive establishes rules for the progressive establishment of a Union-wide interconnected hydrogen system contributing to the reduction of net greenhouse gas emissions of difficult to decarbonise sectors and thereby supporting to the decarbonisation of the EU energy system.	4. This Directive establishes rules for the progressive establishment of a Union-wide interconnected hydrogen system contributing to the ***long-term flexibility of the electricity system and to the*** reduction of net greenhouse gas emissions of difficult to decarbonise sectors ***where no more energy or cost efficient alternatives are available with the highest greenhouse gas abatement potential per tonne of hydrogen used*** and thereby supporting to the decarbonisation of the ***Union*** energy system.	4. This Directive establishes rules for the progressive establishment of a Union-wide interconnected hydrogen system contributing to the reduction of net greenhouse gas emissions ~~of~~**, including within** difficult to decarbonise sectors**,** and thereby supporting ~~to~~ the decarbonisation of the EU energy system.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2				
165	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	
Article 2, first paragraph				
166	For the purposes of this Directive, the following definitions apply:	For the purposes of this Directive, the following definitions apply:	For the purposes of this Directive, the following definitions apply:	
Article 2, first paragraph, point (1)				
167	(1) 'natural gas' means all gases that primarily consist of methane, including biogas and gas from biomass, in particular biomethane, or other types of gas, that can technically and safely be injected into, and transported through, the natural gas system;	(1) 'natural gas' means ***gas*** that primarily consist of methane, including biogas***, as defined in Article 2, point (28), of Directive (EU) 2018/2001 that has been upgraded to*** biomethane, or other types of gas, that can ***be*** technically and safely ▌ injected into, and transported through, the natural gas system;	(1) 'natural gas' means all gases that primarily consist of methane, including ~~biogas and gas from biomass, in particular~~ biomethane, or other types of gas, that can technically and safely be injected into, and transported through, the natural gas system;	
Article 2, first paragraph, point (2)				
168	(2) 'renewable gas' means biogas as defined in Article 2, point (28) of Directive (EU) 2018/2001, including biomethane, and renewable gaseous fuels part of fuels of non-biological origins	(2) 'renewable gas' means biogas as defined in Article 2, point (28)***,*** of Directive (EU) 2018/2001, including ***biogas that has been upgraded to*** biomethane, and renewable gaseous fuels part of	(2) 'renewable gas' means biogas as defined in Article 2, point (28) of Directive (EU) 2018/2001, including biomethane, and renewable gaseous fuels part of fuels of non-biological origins	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	('RFNBOs') as defined in Article 2, point (36) of that Directive;	fuels of non-biological origins ('***RFNBO***') as defined in Article 2, point (36)**,** of that Directive;	('RFNBOs') as defined in Article 2, point (36) of that Directive;	
Article 2, first paragraph, point (3)				
169	(3) 'gases' mean natural gas and hydrogen;	(3) '***gas***' mean natural gas and hydrogen;	(3) 'gases' mean natural gas and hydrogen;	
Article 2, first paragraph, point (4)				
170	(4) 'natural gas system' means a system of infrastructures, including pipelines, LNG terminals and storage facilities, which transports gases, that primarily consist of methane and include biogas and gas from biomass, in particular biomethane, or other types of gas that can technically and safely be injected into, and transported through the natural gas pipeline system;	(4) 'natural gas system' means a system of infrastructures, including pipelines, LNG terminals and storage facilities, which transports ***gas***, that primarily consist of methane and include biogas and gas from biomass, in particular biomethane, or other types of gas that can technically and safely be injected into, and transported through the natural gas pipeline system;	(4) 'natural gas system' means a system of infrastructures, including pipelines, LNG terminals and storage facilities, which transports gases, that primarily consist of methane and include ~~biogas and gas from biomass, in particular~~ biomethane, or other types of gas that can technically and safely be injected into, and transported through the natural gas pipeline system~~;~~**.**	
Article 2, first paragraph, point (5)				
171	(5) 'hydrogen system' means a system of infrastructure, including hydrogen networks, hydrogen storage, and hydrogen terminals,	(5) 'hydrogen system' means a system of infrastructure, including hydrogen networks, hydrogen storage, and hydrogen terminals,	(5) 'hydrogen system' means a system of infrastructure, including hydrogen networks, hydrogen storage, and hydrogen terminals, which contains hydrogen of a high	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	which contains hydrogen of a high grade of purity;	which contains hydrogen of a high grade of purity;	grade of purity **in line with applicable hydrogen quality standards for such system**;	
Article 2, first paragraph, point (6)				
172	(6) 'hydrogen storage facility' means a facility used for the stocking of hydrogen of a high grade of purity:	(6) 'hydrogen storage facility' means a facility used for the stocking of hydrogen of a high grade of purity ***or ammonia, including***:	(6) 'hydrogen storage facility' means a facility used for the stocking of hydrogen of a high grade of purity:	*We hesitate to include ammonia/NH3- storages as this could expand hydrogen market design to a broader ammonia market design*
Article 2, first paragraph, point (6)(a)				
173	(a) including the part of an hydrogen terminal used for storage but excluding the portion used for production operations, and facilities reserved exclusively for hydrogen network operators in carrying out their functions;	(a) ▌ the part of an hydrogen terminal used for storage**,** excluding the portion used for production operations, and facilities reserved exclusively for hydrogen network operators in carrying out their functions;	(a) including the part of an hydrogen terminal used for storage**,** but excluding the portion used for production operations~~,~~ and facilities reserved exclusively for hydrogen network operators in carrying out their functions;	
Article 2, first paragraph, point (6)(b)				
174	(b) including large, in particular underground, hydrogen storage but excluding smaller, easily replicable hydrogen storage installations;	(b) ▌ large, in particular underground, hydrogen storage**,** excluding smaller, easily replicable hydrogen storage installations;	(b) including large, in particular underground, hydrogen storage but excluding smaller, easily replicable hydrogen storage installations;	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
174a		***(6a) 'hydrogen storage operator' means a natural or legal person who carries out the function of storage of hydrogen and is responsible for operating a hydrogen storage facility;***	**(6a) 'hydrogen storage operator' means a natural or legal person who carries out the function of storage of hydrogen and is responsible for operating a hydrogen storage facility;**	
Article 2, first paragraph, point (7)				
175	(7) 'hydrogen linepack' means the storage of hydrogen of a high grade of purity by compression in hydrogen networks, excluding facilities reserved for hydrogen network operators carrying out their functions;	(7) 'hydrogen linepack' means the storage of hydrogen of a high grade of purity by compression in hydrogen networks, excluding facilities reserved for hydrogen network operators carrying out their functions;	(7) 'hydrogen linepack' means the storage of hydrogen of a high grade of purity by compression in hydrogen networks, excluding facilities reserved for hydrogen network operators carrying out their functions;	
Article 2, first paragraph, point (8)				
176	(8) 'hydrogen terminal' means an installation used for the transformation of liquid hydrogen or liquid ammonia into gaseous hydrogen for injection into the hydrogen network or the liquefaction of gaseous hydrogen, including ancillary services and temporary storage necessary for the transformation process and subsequent injection into the hydrogen network, but not any	(8) 'hydrogen terminal' means an installation used for the transformation of liquid hydrogen or liquid ammonia into gaseous hydrogen for injection into the hydrogen network or the liquefaction of gaseous hydrogen, including ancillary services and temporary storage necessary for the transformation process and subsequent injection into the hydrogen network, but not any	(8) 'hydrogen terminal' means an installation used for the **offloading and** transformation of liquid hydrogen or liquid ammonia into gaseous hydrogen for injection into the hydrogen network or the **natural gas system or the** liquefaction of gaseous hydrogen **and its onloading**, including ancillary services and temporary storage necessary for the transformation process and	*Here, as opposed to (6) above, the inclusion of ammonia is reasonable, as the subject is focused on transformation to hydrogen, however not the creation of a separate ammonia infrastructure*

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	part of the hydrogen terminal used for storage;	part of the hydrogen terminal used for storage;	subsequent injection into the hydrogen network, but not any part of the hydrogen terminal used for storage;	
176a		***(8a) 'hydrogen terminal operator' means a natural or legal person who carries out the function of transformation of liquid hydrogen or liquid ammonia into gaseous hydrogen for injection into the hydrogen network or the liquefaction of gaseous hydrogen and is responsible for operating a hydrogen terminal;***	**(8a) 'hydrogen terminal operator' means a natural or legal person who carries out the function of offloading and transformation of liquid hydrogen or liquid ammonia into gaseous hydrogen for injection into the hydrogen network or the natural gas system or the liquefaction and onloading of gaseous hydrogen and is responsible for operating a hydrogen terminal;**	
Article 2, first paragraph, point (9)				
177	(9) 'hydrogen quality' means hydrogen purity and contaminants in line with applicable hydrogen quality standards for the hydrogen system;	(9) 'hydrogen quality' means hydrogen purity and contaminants in line with applicable hydrogen quality standards for the hydrogen system;	(9) 'hydrogen quality' means hydrogen purity and contaminants in line with applicable hydrogen quality standards for the hydrogen system;	
Article 2, first paragraph, point (10)				
178				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(10) 'low-carbon hydrogen' means hydrogen the energy content of which is derived from non-renewable sources, which meets a greenhouse gas emission reduction threshold of 70%;	(10) 'low-carbon hydrogen' means hydrogen the energy content of which is derived from non-renewable sources ***and*** which meets a greenhouse gas emission reduction threshold of ***70 % and the relevant criteria set out in Article 8***;	(10) 'low-carbon hydrogen' means hydrogen the energy content of which is derived from non-renewable sources, which meets ~~a~~**the** greenhouse gas emission reduction threshold of 70% **compared to the fossil fuel comparator EF(t) set out in Annex V of Directive (EU) 2018/2001**;	*Reminder: We have continuously supported a more ambitious threshold for low-carbon as laid out in the taxonomy regulation 2020/852 (EU)*
Article 2, first paragraph, point (11)				
179	(11) 'low-carbon gas' means the part of gaseous fuels in recycled carbon fuels as defined in Article 2, point (35) of Directive (EU) 2018/2001, low-carbon hydrogen and synthetic gaseous fuels the energy content of which is derived from low-carbon hydrogen, which meet the greenhouse gas emission reduction threshold of 70%;	(11) 'low-carbon gas' means the part of gaseous fuels in recycled carbon fuels as defined in Article 2, point (35)**,** of Directive (EU) 2018/2001, low-carbon hydrogen**,** and synthetic gaseous fuels the energy content of which is derived from low-carbon hydrogen, which meet the greenhouse gas emission reduction threshold of ***70 % and the relevant criteria set out in Article 8 of this Directive***;	(11) 'low-carbon gas' means the part of gaseous fuels in recycled carbon fuels as defined in Article 2, point (35) of Directive (EU) 2018/2001, low-carbon hydrogen and synthetic gaseous fuels the energy content of which is derived from low-carbon hydrogen, which meet the greenhouse gas emission reduction threshold of 70% **compared to the fossil fuel comparator EF(t) set out in Annex V of Directive (EU) 2018/2001**;	*See before*
Article 2, first paragraph, point (12)				
180	(12) 'low-carbon fuels' means recycled carbon fuels as defined in	(12) 'low-carbon fuels' means recycled carbon fuels as defined in	(12) 'low-carbon fuels' means recycled carbon fuels as defined in	*See before*

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 2 of Directive (EU) 2018/2001, low-carbon hydrogen and synthetic gaseous and liquid fuels the energy content of which is derived from low-carbon hydrogen, which meet the greenhouse gas emission reduction threshold of 70%;	Article 2***, point (35),*** of Directive (EU) 2018/2001, low-carbon hydrogen***,*** and synthetic gaseous and liquid fuels the energy content of which is derived from low-carbon hydrogen, which meet the greenhouse gas emission reduction threshold of ***70 % and the relevant criteria set out in Article 8 of this Directive***;	Article 2 of Directive (EU) 2018/2001, low-carbon hydrogen and synthetic gaseous and liquid fuels the energy content of which is derived from low-carbon hydrogen, which meet the greenhouse gas emission reduction threshold of 70% **compared to the fossil fuel comparator EF(t) set out in Annex V of Directive (EU) 2018/2001**;	
Article 2, first paragraph, point (13)				
181	(13) 'hydrogen undertaking' means a natural or legal person carrying out at least one of the following functions: hydrogen production, hydrogen transport, supply, purchase or storage of hydrogen, or operating a hydrogen terminal, and which is responsible for the commercial, technical or maintenance tasks related to those functions, but not including final customers;	(13) 'hydrogen undertaking' means a natural or legal person ***who carries*** out at least one of the following functions: hydrogen production, hydrogen transport, supply, purchase or storage of hydrogen, or operating a hydrogen terminal, and which is responsible for the commercial, technical or maintenance tasks related to those functions, ***excluding*** final customers;	(13) 'hydrogen undertaking' means a natural or legal person carrying out at least one of the following functions: hydrogen production, hydrogen transport, supply, purchase or storage of hydrogen, or operating a hydrogen terminal, and which is responsible for the commercial, technical or maintenance tasks related to those functions, but not including final customers~~;~~	
Article 2, first paragraph, point (14)				
182	(14) 'natural gas undertaking' means a natural or legal person carrying out production,	(14) 'natural gas undertaking' means a natural or legal person ***who carries*** out production,	(14) 'natural gas undertaking' means a natural or legal person carrying out production,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	transmission, distribution, supply, purchase or storage of natural gas, including LNG, and which is responsible for the commercial, technical or maintenance tasks related to those functions, but not including final customers;	transmission, distribution, supply, purchase or storage of natural gas, including LNG, and which is responsible for the commercial, technical or maintenance tasks related to those functions, ***excluding*** final customers;	transmission, distribution, supply, purchase or storage of natural gas, including LNG, and which is responsible for the commercial, technical or maintenance tasks related to those functions, but not including final customers;	
Article 2, first paragraph, point (15)				
183	(15) 'upstream pipeline network' means any pipeline or network of pipelines operated and/or constructed as part of an oil or natural gas production project, or used to convey natural gas from one or more such projects to a processing plant or terminal or final coastal landing terminal;	(15) 'upstream pipeline network' means any pipeline or network of pipelines operated and/or constructed as part of an oil or natural gas production project, or used to convey natural gas from one or more such projects to a processing plant or terminal or final coastal landing terminal;	(15) 'upstream pipeline network' means any pipeline or network of pipelines operated and/or constructed as part of an oil or natural gas production project, or used to convey natural gas from one or more such projects to a processing plant or terminal or final coastal landing terminal;	
Article 2, first paragraph, point (16)				
184	(16) 'transmission' means the transport of natural gas through a network, which mainly contains high-pressure pipelines, other than an upstream pipeline network and other than the part of high-pressure pipelines primarily used in the context of local distribution of natural gas, with a view to its	(16) 'transmission' means the transport of natural gas through a network, which mainly contains high-pressure pipelines, other than an upstream pipeline network and other than the part of high-pressure pipelines primarily used in the context of local distribution of natural gas, with a view to its	(16) 'transmission' means the transport of natural gas through a network, which mainly contains high-pressure pipelines, other than an upstream pipeline network and other than the part of high-pressure pipelines primarily used in the context of local distribution of natural gas, with a view to its	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	delivery to customers, but not including supply;	delivery to customers, ***excluding*** supply;	delivery to customers, but not including supply;	
Article 2, first paragraph, point (17)				
185	(17) 'transmission system operator' means a natural or legal person who carries out the function of transmission and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the transmission system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the transport of natural gas;	(17) 'transmission system operator' means a natural or legal person who carries out the function of transmission and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the transmission system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the transport of natural gas;	(17) 'transmission system operator' means a natural or legal person who carries out the function of transmission and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the transmission system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the transport of natural gas;	
Article 2, first paragraph, point (18)				
186	(18) 'distribution' means the transport of natural gas through local or regional pipeline networks with a view to its delivery to customers, but not including supply;	(18) 'distribution' means the transport of natural gas through local or regional pipeline networks with a view to its delivery to customers, ***excluding*** supply;	(18) 'distribution' means the transport of natural gas through local or regional pipeline networks with a view to its delivery to customers, but not including supply;	
Article 2, first paragraph, point (19)				
187				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(19) 'distribution system operator' means a natural or legal person who carries out the function of distribution and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the distribution system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the distribution of natural gas;	(19) 'distribution system operator' means a natural or legal person who carries out the function of distribution and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the distribution system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the distribution of natural gas;	(19) 'distribution system operator' means a natural or legal person who carries out the function of distribution and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the distribution system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the distribution of natural gas;	
Article 2, first paragraph, point (20)				
188	(20) 'hydrogen network' means a network of pipelines used for the transport of hydrogen of a high grade of purity with a view to its delivery to customers, but not including supply;	(20) 'hydrogen network' means a network of ***onshore and offshore*** pipelines used for the transport of hydrogen of a high grade of purity with a view to its delivery to customers, ***excluding*** supply;	(20) 'hydrogen network' means a network of pipelines used for the transport of hydrogen of a high grade of purity with a view to its delivery to customers, but not including supply;	
Article 2, first paragraph, point (21)				
189	(21) 'hydrogen transport' means the transport of hydrogen through a hydrogen network with a view to its delivery to customers, but not including supply, irrespective of the pressure, the geographic	(21) 'hydrogen transport' means the ***transmission or distribution*** of hydrogen through a hydrogen network with a view to its delivery to customers, ***excluding*** supply, irrespective of ***transmission or***	(21) 'hydrogen transport' means the transport of hydrogen through a hydrogen network with a view to its delivery to customers, but not including supply, irrespective of the pressure, the geographic	*In the absence of a single separate definition for H2 distribution systems or networks in the Commission or the Council text we can support the EP wording*

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	coverage or the connected customer group of the network;	***distribution***, the geographic coverage or the connected customer group of the network;	coverage or the connected customer group of the network;	
189a		***(21a) 'hydrogen transmission' means the transport of hydrogen through a network which mainly contains high-pressure pipelines, other than an upstream pipeline network and other than the part of high-pressure pipelines primarily used in the context of local distribution of natural gas, with a view to the delivery of hydrogen to customers, excluding supply;***		*Support for EP amendement*
189b		***(21b) 'hydrogen distribution' means the transport of hydrogen through local or regional pipeline networks with a view to its delivery to customers, excluding supply;***		*Support for EP amendment*
Article 2, first paragraph, point (22)				
190				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(22) 'hydrogen network operator' means a natural or legal person who carries out the function of hydrogen transport and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the hydrogen network in a given area and, where applicable, its interconnections with other hydrogen networks, and for ensuring the long-term ability of the system to meet reasonable demands for the transport of hydrogen;	(22) 'hydrogen network operator' means a natural or legal person who carries out the function of hydrogen transport and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the hydrogen network in a given area and, where applicable, its interconnections with other hydrogen networks, and for ensuring the long-term ability of the system to meet reasonable demands for the transport of hydrogen;	(22) 'hydrogen network operator' means a natural or legal person who carries out the function of hydrogen transport and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the hydrogen network in a given area and, where applicable, its interconnections with other hydrogen networks, and for ensuring the long-term ability of the system to meet reasonable demands for the transport of hydrogen;	
190a		***(22a) 'hydrogen transmission network operator' means a hydrogen network operator that carries the function of the transport of hydrogen through a network and that contains mainly high-pressure pipelines, other than an upstream pipeline network and other than the part of high-pressure pipelines primarily used in the context of local distribution of hydrogen, with a view to the delivery of hydrogen to customers, excluding supply;***		*Support for EP amendment*

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
190b		***(22b) 'hydrogen distribution network operator' means a hydrogen network operator that carries the function of the transport of hydrogen through local or regional pipeline networks with a view to its delivery to customers, excluding supply;***		*Support for EP amendment*
Article 2, first paragraph, point (23)				
191	(23) 'supply' means the sale, including resale, of natural gas, including LNG, or hydrogen, including liquid hydrogen, to customers;	(23) 'supply' means the sale, including resale, of natural gas, including LNG, or hydrogen, including liquid hydrogen, to customers;	(23) 'supply' means the sale, including resale, of natural gas, including LNG, or hydrogen, including liquid hydrogen **and hydrogen carriers including ammonia, methanol or liquid organic hydrogen carriers**, to customers;	
Article 2, first paragraph, point (24)				
192	(24) 'supply undertaking' means any natural or legal person who carries out the function of supply;	(24) 'supply undertaking' means ***a*** natural or legal person who carries out the function of supply;	(24) 'supply undertaking' means any natural or legal person who carries out the function of supply;	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
192a		***(24a) 'hydrogen supply undertaking' means a natural or legal person who carries out the function of hydrogen supply;***		
Article 2, first paragraph, point (25)				
193	(25) 'storage facility' means a facility used for the stocking of natural gas and owned and/or operated by a natural gas undertaking, including the part of LNG facilities used for storage but excluding the portion used for production operations, and excluding facilities reserved exclusively for transmission system operators in carrying out their functions;	(25) 'storage facility' means a facility used for the stocking of natural gas and owned and/or operated by a natural gas undertaking, including the part of LNG facilities used for storage but excluding the portion used for production operations, and excluding facilities reserved exclusively for transmission system operators in carrying out their functions;	(25) 'storage facility' means a facility used for the stocking of natural gas and owned and/or operated by a natural gas undertaking, including the part of LNG facilities used for storage but excluding the portion used for production operations, and excluding facilities reserved exclusively for transmission system operators in carrying out their functions;	
Article 2, first paragraph, point (26)				
194	(26) 'storage system operator' means a natural or legal person who carries out the function of storage of natural gas and is responsible for operating a storage facility;	(26) 'storage system operator' means a natural or legal person who carries out the function of storage of natural gas and is responsible for operating a storage facility;	(26) 'storage system operator' means a natural or legal person who carries out the function of storage of natural gas and is responsible for operating a storage facility;	
Article 2, first paragraph, point (27)				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
195	(27) 'LNG facility' means a terminal which is used for the liquefaction of natural gas or the importation, offloading, and re-gasification of LNG, including ancillary services and temporary storage necessary for the re-gasification process and subsequent delivery to the transmission system, but not including any part of LNG terminals used for storage;	(27) 'LNG facility' means a terminal which is used for the liquefaction of natural gas or the importation, offloading, and re-gasification of LNG, including ancillary services and temporary storage necessary for the re-gasification process and subsequent delivery to the transmission system, ***excluding*** any part of LNG terminals used for storage;	(27) 'LNG facility' means a terminal which is used for the liquefaction of natural gas or the importation, offloading, and re-gasification of LNG, including ancillary services and temporary storage necessary for the re-gasification process and subsequent delivery to the transmission system, but not including any part of LNG terminals used for storage;	
Article 2, first paragraph, point (28)				
196	(28) 'LNG system operator' means a natural or legal person who carries out the function of liquefaction of natural gas, or the importation, offloading, and re-gasification of LNG and is responsible for operating a LNG facility;	(28) 'LNG system operator' means a natural or legal person who carries out the function of liquefaction of natural gas, or the importation, offloading, and re-gasification of LNG and is responsible for operating a LNG facility;	(28) 'LNG system operator' means a natural or legal person who carries out the function of liquefaction of natural gas, or the importation, offloading, and re-gasification of LNG and is responsible for operating a LNG facility;	
Article 2, first paragraph, point (29)				
197	(29) 'system' means any transmission networks, distribution networks, LNG facilities or storage facilities owned or operated by a natural gas	(29) 'system' means any transmission networks, distribution networks, LNG facilities or storage facilities owned or operated by a natural gas	(29) 'system' means any transmission networks, distribution networks, LNG facilities or storage facilities owned or operated by a natural gas	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	undertaking, including linepack and its facilities supplying ancillary services and those of related undertakings necessary for providing access to transmission, distribution and LNG;	undertaking, including linepack and its facilities supplying ancillary services and those of related undertakings necessary for providing access to transmission, distribution and LNG;	undertaking, including linepack and its facilities supplying ancillary services and those of related undertakings necessary for providing access to transmission, distribution and LNG;	
Article 2, first paragraph, point (30)				
198	(30) 'ancillary services' means all services necessary for access to and the operation of transmission networks, distribution networks, LNG facilities, or storage facilities, including load balancing, blending and injection of inert gases, but not including facilities reserved exclusively for transmission system operators carrying out their functions;	(30) 'ancillary services' means all services necessary for access to and the operation of transmission networks, distribution networks, LNG facilities, or storage facilities, including load balancing, blending and injection of inert ***gas, excluding*** facilities reserved exclusively for transmission system operators carrying out their functions;	(30) 'ancillary services' means all services necessary for access to and the operation of transmission networks, distribution networks, LNG facilities, or storage facilities, including load balancing, blending**, deblending** and injection of inert gases, but not including facilities reserved exclusively for transmission system operators carrying out their functions;	
Article 2, first paragraph, point (31)				
199	(31) 'natural gas linepack' means the storage of natural gas by compression in gas transmission and distribution systems, but not including facilities reserved for transmission system operators carrying out their functions;	(31) ' natural gas linepack' means the storage of natural gas by compression in gas transmission and distribution systems, ***excluding*** facilities reserved for transmission system operators carrying out their functions;	(31) ' natural gas linepack' means the storage of natural gas by compression in gas transmission and distribution systems, but not including facilities reserved for transmission system operators carrying out their functions;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (32)				
200	(32) 'interconnected system' means a number of systems which are linked with each other;	(32) 'interconnected system' means a number of systems which are linked with each other;	(32) 'interconnected system' means a number of systems which are linked with each other;	
Article 2, first paragraph, point (33)				
201	(33) 'interconnector' means a transmission line which crosses or spans a border between Member States for the purpose of connecting the national transmission system of those Member States or a transmission line between a Member State and a third country up to the territory of the Member States or the territorial sea of that Member State;	(33) 'interconnector' means a transmission line which crosses or spans a border between Member States for the purpose of connecting the national transmission system of those Member States or a transmission line between a Member State and a third country up to the territory of the Member States or the territorial sea of that Member State;	(33) 'interconnector' means a transmission line which crosses or spans a border between Member States for the purpose of connecting the national transmission system of those Member States or a transmission line between a Member State and a third country up to the territory of the Member States or the territorial sea of that Member State;	
Article 2, first paragraph, point (34)				
202	(34) 'hydrogen interconnector' means a hydrogen network which crosses or spans a border between Member States, or between a Member State and a third country up to the territory of the Member States or the territorial sea of that Member State;	(34) 'hydrogen interconnector' means a hydrogen network which crosses or spans a border between Member States, or between a Member State and a third country up to the territory of the Member States or the territorial sea of that Member State;	(34) 'hydrogen interconnector' means a hydrogen network which crosses or spans a border between Member States **for the purpose of connecting the national hydrogen networks of those Member States, or a hydrogen network**~~, or~~ between a Member State and a third country up to the	*Uphold Council wording, in line with (33)*

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			territory of the Member States or the territorial sea of that Member State;	
Article 2, first paragraph, point (35)				
203	(35) 'direct line' means a natural gas pipeline complementary to the interconnected system;	(35) 'direct line' means a natural gas pipeline complementary to the interconnected system;	(35) 'direct line' means a natural gas pipeline complementary to the interconnected system;	
Article 2, first paragraph, point (36)				
204	(36) 'integrated natural gas undertaking' means a vertically or horizontally integrated undertaking;	(36) 'integrated natural gas undertaking' means a vertically or horizontally integrated undertaking;	(36) 'integrated natural gas undertaking' means a vertically or horizontally integrated undertaking;	
Article 2, first paragraph, point (37)				
205	(37) 'vertically integrated undertaking' means a natural gas undertaking or a group of natural gas undertakings or a hydrogen undertaking or group of hydrogen undertakings where the same person or the same persons are entitled, directly or indirectly, to exercise control, and where the undertaking or group of undertakings perform at least one of the functions of transmission,	(37) 'vertically integrated undertaking' means a natural gas undertaking or a group of natural gas undertakings or a hydrogen undertaking or group of hydrogen undertakings where the same person or the same persons are entitled, directly or indirectly, to exercise control, and where the undertaking or group of undertakings perform at least one of the functions of transmission,	(37) 'vertically integrated undertaking' means a natural gas undertaking or a group of natural gas undertakings or a hydrogen undertaking or group of hydrogen undertakings where the same person or the same persons are entitled, directly or indirectly, to exercise control, and where the undertaking or group of undertakings perform at least one of the functions of transmission,	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	distribution, hydrogen transport, hydrogen terminal operation, LNG or natural gas or hydrogen storage, and at least one of the functions of production or supply of natural gas or of hydrogen;	distribution, hydrogen transport, hydrogen terminal operation, LNG or natural gas or hydrogen storage, and at least one of the functions of production or supply of natural gas or of hydrogen;	distribution, hydrogen transport, hydrogen terminal operation, LNG or natural gas or hydrogen storage, and at least one of the functions of production or supply of natural gas or of hydrogen;	
Article 2, first paragraph, point (38)				
206	(38) 'horizontally integrated undertaking' means an undertaking performing at least one of the functions of production, transmission, distribution, supply or storage of natural gas, and a non- natural gas activity;	(38) 'horizontally integrated undertaking' means an undertaking performing at least one of the functions of production, transmission, distribution, supply or storage of natural gas, and a ***non-natural*** gas activity;	(38) 'horizontally integrated undertaking' means an undertaking performing at least one of the functions of production, transmission, distribution, supply or storage of natural gas, and a non- natural gas activity;	
Article 2, first paragraph, point (39)				
207	(39) 'related undertaking' means an affiliated undertaking, as defined in point (12) of Article 2 of Directive 2013/34/EU of the European Parliament and of the Council[1], or an undertaking which belongs to the same shareholders; _____ 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive	(39) 'related undertaking' means an affiliated undertaking ▌ as defined in point (12)**,** of Article 2 of Directive 2013/34/EU of the European Parliament and of the Council[***26***], or an undertaking which belongs to the same shareholders; _____ ***26. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending***	(39) 'related undertaking' means an affiliated undertaking, as defined in point (12) of Article 2 of Directive 2013/34/EU of the European Parliament and of the Council[1], or an undertaking which belongs to the same shareholders; _____ 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	***Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).***	2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	
Article 2, first paragraph, point (40)				
208	(40) 'system user' means a natural or legal person supplying to, or being supplied by, the system;	(40) 'system user' means a natural or legal person ***who supplies to or is*** supplied by ▌ the system;	(40) 'system user' means a natural or legal person supplying to, or being supplied by, the system;	
Article 2, first paragraph, point (41)				
209	(41) 'customer' means a wholesale or final customer of gases or a natural gas or hydrogen undertaking which purchases gases;	(41) 'customer' means a wholesale ***customer or a*** final customer ▌ or a natural gas or hydrogen undertaking which purchases ***gas***;	(41) 'customer' means a wholesale or final customer of gases or a natural gas or hydrogen undertaking which purchases gases;	
Article 2, first paragraph, point (42)				
210	(42) 'household customer' means a customer purchasing gases for his own household consumption;	(42) 'household customer' means a customer ***who purchases gas for*** own household consumption;	(42) 'household customer' means a customer purchasing gases for his own household consumption;	
Article 2, first paragraph, point (43)				
211	(43) 'non-household customer' means a customer purchasing	(43) 'non-household customer' means a customer ***who purchases***	(43) 'non-household customer' means a customer purchasing	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	gases which are not for his own household use;	***gas*** which ***is*** not for ▌ own household use;	gases which are not for his own household use;	
Article 2, first paragraph, point (44)				
212	(44) 'final customer' means a customer purchasing gases for his own use;	(44) 'final customer' means a customer ***who purchases gas for*** own use;	(44) 'final customer' means a customer purchasing gases for his own use;	
Article 2, first paragraph, point (45)				
213	(45) 'wholesale customer' means a natural or legal person other than a transmission system operator or distribution system operator who purchases gases for the purpose of resale inside or outside the system where he is established;	(45) 'wholesale customer' means a natural or legal person other than a transmission system operator or ***a*** distribution system operator**,** who purchases ***gas*** for the purpose of resale inside or outside the system where ***that person*** is established;	(45) 'wholesale customer' means a natural or legal person other than a transmission system operator or distribution system operator who purchases gases for the purpose of resale inside or outside the system where he is established;	
Article 2, first paragraph, point (46)				
214	(46) 'microenterprise' means an enterprise which employs fewer than 10 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 2 million;	(46) 'microenterprise' means an enterprise which employs fewer than 10 persons and whose annual turnover ***or*** annual balance sheet total does not exceed EUR 2 million;	(46) 'microenterprise' means an enterprise which employs fewer than 10 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 2 million;	
Article 2, first paragraph, point (47)				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
215	(47) 'small enterprise' means an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million;	(47) 'small enterprise' means an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million;	(47) 'small enterprise' means an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million;	
Article 2, first paragraph, point (48)				
216	(48) 'security' means both security of supply of natural gas and technical safety;	(48) 'security' means both security of supply of natural gas and technical safety;	(48) 'security' means both security of supply of natural gas and technical safety;	
Article 2, first paragraph, point (49)				
217	(49) 'gas supply contract' means a contract for the supply of gases, but does not include a gas derivative;	(49) 'gas supply contract' means a contract for the supply of ***gas, excluding*** a gas derivative;	(49) 'gas supply contract' means a contract for the supply of gases, but does not include a gas derivative;	
Article 2, first paragraph, point (50)				
218	(50) 'gas derivative' means a financial instrument specified in points 5, 6 or 7 of Section C of Annex I to Directive 2014/65/EU on market financial instruments[1], where that instrument relates to gas; _____	(50) 'gas derivative' means a financial instrument specified in ***point*** 5, 6 or 7 of Section C of Annex I to Directive 2014/65/EU ***of the European Parliament and of the Council***[27] where that ***financial*** instrument relates to gas; _____	(50) 'gas derivative' means a financial instrument specified in points 5, 6 or 7 of Section C of Annex I to Directive 2014/65/EU on market financial instruments[1], where that instrument relates to gas; _____	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. OJ L 145, 30.4.2004, p. 1 173, 12.6.2014, p. 349–496.	***27. Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).***	1. OJ L ~~145, 30.4.2004, p. 1 173~~**173**, 12.6.2014, p. 349–496.	
Article 2, first paragraph, point (51)				
219	(51) 'control' means any rights, contracts or any other means which, either separately or in combination and having regard to the considerations of fact or law involved, confer the possibility of exercising decisive influence on an undertaking, in particular by:	(51) 'control' means any rights, contracts or any other means which, either separately or in combination and having regard to the considerations of fact or law involved, confer the possibility of exercising decisive influence on an undertaking, in particular by:	(51) 'control' means any rights, contracts or any other means which, either separately or in combination and having regard to the considerations of fact or law involved, confer the possibility of exercising decisive influence on an undertaking, in particular by:	
Article 2, first paragraph, point (51)(a)				
220	(a) ownership or the right to use all or part of the assets of an undertaking;	(a) ownership or the right to use all or part of the assets of an undertaking;	(a) ownership or the right to use all or part of the assets of an undertaking;	
Article 2, first paragraph, point (51)(b)				
221	(b) rights or contracts which confer decisive influence on the composition, voting or decisions of the organs of an undertaking;	(b) rights or contracts which confer decisive influence on the composition, voting or decisions of the organs of an undertaking;	(b) rights or contracts which confer decisive influence on the composition, voting or decisions of the organs of an undertaking;	
Article 2, first paragraph, point (52)				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
222	(52) 'long-term contract' means a supply contract exceeding one year;	(52) 'long-term contract' means a supply contract exceeding one year;	(52) 'long-term contract' means a supply contract exceeding one year;	
Article 2, first paragraph, point (53)				
223	(53) 'entry-exit system' means the aggregation of all transmission and distribution systems to which one specific balancing regime applies;	(53) 'entry-exit system' means ***an access model for natural gas*** transmission ***or*** distribution systems ***where system users book capacity rights independently on entry and exit points***;	(53) ~~'~~entry-exit system' means **an access model for natural gas, where system users book capacity rights independently on entry- and exit points. The entry-exit system includes the**~~the aggregation of all~~ transmission **system and may include the distribution system or parts of a distribution system**~~ and distribution systems to which one specific balancing regime applies~~;	*Uphold Council amendment for reason of clarification*
Article 2, first paragraph, point (54)				
224	(54) 'balancing zone' means an entry-exit system to which a specific balancing regime applies;	(54) 'balancing zone' means an entry-exit system to which a specific balancing regime ***is applicable, including distribution systems or parts of them***;	(54) 'balancing zone' means ~~an entry-exit~~ **a** system to which a specific balancing regime **is applicable and which includes the transmission system and may include distribution systems or parts of such distribution systems**~~ applies~~;	
Article 2, first paragraph, point (55)				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
225	(55) 'virtual trading point' means a non-physical commercial point within an entry-exit system where gases are exchanged between a seller and a buyer without the need to book transmission or distribution capacity;	(55) 'virtual trading point' means a non-physical commercial point within an entry-exit system where ***gas is*** exchanged between a seller and a buyer without the need to book ▌ capacity;	(55) 'virtual trading point' means a non-physical commercial point within an entry-exit system where gases are exchanged between a seller and a buyer without the need to book ~~transmission or distribution~~ capacity;	
225a			**(55a) 'network user' means a customer or a potential customer of a system operator, and system operators themselves in so far as it is necessary for them to carry out their functions in relation to transport of natural gas and hydrogen**	
Article 2, first paragraph, point (56)				
226	(56) 'entry point' means a point subject to booking procedures by network users or producers providing access to an entry-exit system;	(56) 'entry point' means a point subject to booking procedures by network users ***which provides*** access to an ***entry-exit system and enables gas flows in the*** entry-exit system;	(56) 'entry point' means a point subject to booking procedures by network users ~~or producers~~ providing access to an entry-exit system;	
Article 2, first paragraph, point (57)				
227				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(57) 'exit point' means a point subject to booking procedures by network users or final customers enabling gas flows out of the entry exit system;	(57) 'exit point' means a point subject to booking procedures by network users ***which provides access to an entry-exit system and enables*** gas flows out of the entry exit system;	(57) 'exit point' means a point subject to booking procedures by network users ~~or final customers~~ enabling gas flows out of the entry exit system;	
Article 2, first paragraph, point (58)				
228	(58) 'interconnection point' means a physical or virtual point connecting adjacent entry-exit systems or connecting an entry-exit system with an interconnector, in so far as these points are subject to booking procedures by network users;	(58) 'interconnection point' means a physical or virtual point ***which connects*** adjacent entry-exit systems or connecting an entry-exit system with an interconnector, in so far as ***those*** points are subject to booking procedures by network users;	(58) 'interconnection point' means a physical or virtual point connecting adjacent entry-exit systems or connecting an entry-exit system with an interconnector, in so far as these points are subject to booking procedures by network users;	
Article 2, first paragraph, point (59)				
229	(59) 'virtual interconnection point' means two or more interconnection points which connect the same two adjacent entry-exit systems, integrated together for the purposes of providing a single capacity service;	(59) 'virtual interconnection point' means two or more interconnection points which connect the same two adjacent entry-exit systems, integrated together for the purposes of providing a single capacity service;	(59) 'virtual interconnection point' means two or more interconnection points which connect the same two adjacent entry-exit systems, integrated together for the purposes of providing a single capacity service;	
Article 2, first paragraph, point (60)				
230				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(60) 'market participant' means a natural or legal person who buys, sells or produces gases or who is an operator of storage services including through the placing of orders to trade in one or more gas markets including balancing markets;	(60) 'market participant' means a natural or legal person who buys, sells or produces ***gas*** or who is an operator of storage services including through the placing of orders to trade in one or more gas markets including balancing markets;	(60) 'market participant' means a natural or legal person who buys, sells or produces gases or who is an operator of storage services including through the placing of orders to trade in one or more gas markets including balancing markets;	
Article 2, first paragraph, point (61)				
231	(61) 'contract termination fee' means a charge or penalty imposed on customers by suppliers or market participants, for terminating a gas supply or service contract;	(61) 'contract termination fee' means a charge or penalty imposed on customers by suppliers or market participants ▌ for terminating a gas supply or service contract;	(61) 'contract termination fee' means a charge or penalty imposed on customers by suppliers or market participants, for terminating a gas supply or service contract;	
Article 2, first paragraph, point (62)				
232	(62) 'switching-related fee' means a charge or penalty for changing suppliers or market participants, including contract termination fees, that is directly or indirectly imposed on customers by suppliers, market participants or system operators;	(62) 'switching-related fee' means a charge or penalty for changing suppliers or market participants, including contract termination fees, that is directly or indirectly imposed on customers by suppliers, market participants or system operators;	(62) 'switching-related fee' means a charge or penalty for changing suppliers or market participants, including contract termination fees, that is directly or indirectly imposed on customers by suppliers, market participants or system operators;	
Article 2, first paragraph, point (63)				
233				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(63) 'billing information' means the information provided on a final customer's bill, apart from a request for payment;	(63) 'billing information' means the information provided on a final customer's bill, ***excluding any*** request for payment;	(63) 'billing information' means the information provided on a final customer's bill, apart from a request for payment;	
Article 2, first paragraph, point (64)				
234	(64) 'conventional meter' means an analogue or electronic meter with no capability to both transmit and receive data;	(64) 'conventional meter' means an analogue or electronic meter with no capability to both transmit and receive data;	(64) 'conventional meter' means an analogue or electronic meter with no capability to both transmit and receive data;	
Article 2, first paragraph, point (65)				
235	(65) 'smart metering system' means an electronic system that is capable of measuring gas fed into the grid or gas consumed from the grid, providing more information than a conventional meter, and that is capable of transmitting and receiving data for information, monitoring and control purposes, using a form of electronic communication;	(65) 'smart metering system' means an electronic system that is capable of measuring gas fed into the grid or gas consumed from the grid, providing more information than a conventional meter, and that is capable of transmitting and receiving data for information, monitoring and control purposes, using a form of electronic communication;	(65) 'smart metering system' means an electronic system that is capable of measuring gas fed into the grid ~~, providing more information than a conventional meter,~~ and that is capable of transmitting and receiving data for information, monitoring and control purposes, using a form of electronic communication;	
Article 2, first paragraph, point (66)				
236	(66) 'interoperability' means, in the context of smart metering, the ability of two or more energy or	(66) 'interoperability' means, in the context of smart metering, the ability of two or more energy or	(66) 'interoperability' means, in the context of smart metering, the ability of two or more energy or	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	communication networks, systems, devices, applications or components to interwork to exchange and use information in order to perform required functions;	communication networks, systems, devices, applications or components to interwork to exchange and use information in order to perform required functions;	communication networks, systems, devices, applications or components to interwork to exchange and use information in order to perform required functions;	
Article 2, first paragraph, point (67)				
237	(67) 'most recent available' means, in the context of smart metering data, that it is provided within a period matching the shortest settlement period in the national market;	(67) 'most recent available' means, in the context of smart metering data, that it is provided within a period matching the shortest settlement period in the national market;	(67) 'most recent available' means, in the context of smart metering data, that it is provided within a period matching the shortest settlement period in the national market;	
Article 2, first paragraph, point (68)				
238	(68) 'best available techniques' means, in the context of data protection and security in a smart metering environment, the most effective, advanced and practically suitable techniques for providing, in principle, the basis for complying with the Union data protection and security rules;	(68) 'best available techniques' means, in the context of data protection and security in a smart metering environment, the most effective, advanced and practically suitable techniques for providing, in principle, the basis for complying with the Union data protection and security rules;	(68) 'best available techniques' means, in the context of data protection and security in a smart metering environment, the most effective, advanced and practically suitable techniques for providing, in principle, the basis for complying with the Union data protection and security rules;	
Article 2, first paragraph, point (69)				
239				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(69) 'energy poverty' means energy poverty as defined in point (49) of Article 2 of Directive (EU) 2021/0203 COD of the European Parliament and of the Council;	(69) 'energy poverty' means ***a household's inability linked to meet, due to their unaffordability its basic energy supply needs and lack of access to essential energy services to ensure basic levels of comfort and health and a decent standard of living, including adequate heating and cooling, lighting, and energy to power appliances, in the relevant national context, existing social policy and other relevant policies, as a result of an insufficient disposable income, high energy expenditures and poor energy efficiency of homes***;	(69) 'energy poverty' means energy poverty as defined in point (49) of Article 2 of Directive (EU) 2021/0203 COD of the European Parliament and of the Council;	*Keep Council wording , avoid duplication and conflicting definitions*
Article 2, first paragraph, point (70)				
240	(70) 'citizen energy community' means a legal entity that:	*deleted*	(70) ~~'citizen energy community' means a legal entity that:~~	
Article 2, first paragraph, point (70)(a)				
241	(a) is based on voluntary and open participation and is effectively controlled by members or shareholders that are natural persons, local authorities, including municipalities, or small enterprises;	*deleted*	(a) ~~is based on voluntary and open participation and is effectively controlled by members or shareholders that are natural persons, local authorities, including municipalities, or small enterprises;~~	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (70)(b)				
242	(b) has for its primary purpose to provide environmental, economic or social community benefits to its members or shareholders or to the local areas where it operates rather than to generate financial profits; and	*deleted*	(b) ~~has for its primary purpose to provide environmental, economic or social community benefits to its members or shareholders or to the local areas where it operates rather than to generate financial profits; and~~	
Article 2, first paragraph, point (70)(c)				
243	(c) engages in production, distribution, supply, consumption, or storage of renewable gas in the natural gas system, or provides energy efficiency services or maintenance services to its members or shareholders;	*deleted*	(c) ~~engages in production, distribution, supply, consumption, or storage of renewable gas in the natural gas system, or provides energy efficiency services or maintenance services to its members or shareholders;~~	
243a			**(70a) 'citizen energy community' means a legal entity as defined in Article 2, point (11), of Directive (EU) 2019/944 that operates in the renewable gas market.**	
Article 2, first paragraph, point (71)				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
244	(71) 'active customer' means a final natural gas customer, or a group of jointly acting final natural gas customers, who consumes or stores renewable gas, produced within its premises located within confined boundaries or, where permitted by a Member State, within other premises, or who sells self-produced renewable gas using the natural gas system, or participates in energy efficiency schemes, provided that those activities do not constitute its primary commercial or professional activity;	(71) 'active customer' means a final ***customer of*** natural gas ▌ , or a group of jointly acting final ***customers of*** natural gas ▌ , who consumes or stores renewable gas ***which is*** produced within its premises located within confined boundaries or, where permitted by ***the*** Member State ***concerned***, within other premises, or who sells self-produced renewable gas using the natural gas system, or ***who*** participates in energy efficiency schemes, provided that those activities do not constitute ***the final customer's*** primary commercial or professional activity;	(71) 'active customer' means a final natural gas customer, or a group of jointly acting final natural gas customers, who consumes or stores renewable gas, produced within its premises located within confined boundaries or, where permitted by a Member State, within other premises, or who sells self-produced renewable gas using the natural gas system, or participates in **flexibility or participates in** energy efficiency schemes, provided that those activities do not constitute its primary commercial or professional activity;	
244a		***(71a) 'energy efficiency first' means energy efficiency first as defined in Article 2, point (18), of Regulation (EU) 2018/1999;***		
244b		***(71b) 'dedicated hydrogen asset' means dedicated hydrogen asset***		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		as defined Article 2, point (17), of Regulation (EU) 2022/869;		
244c		***(71c) 'repurposing' means repurposing as defined Article 2, point (18), of Regulation (EU) 2022/869***		
Chapter II				
245	Chapter II General rules for the organisation of the market	Chapter II General rules for the organisation of the market	Chapter II General rules for the organisation of the market	
Article 3				
246	Article 3 Competitive, consumer-centred, flexible and non-discriminatory markets for gases	Article 3 ▌ Competitive, ***customer-centred***, flexible and non-discriminatory ***gas*** markets ▌	Article 3 Competitive, consumer-centred, flexible and non-discriminatory markets for gases	
Article 3(1)				
247	1. Member States shall ensure that all customers are free to purchase gases from the supplier of their choice and shall ensure that all customers are free to have more	1. Member States shall ensure that all customers are free to purchase ***gas*** from the supplier of their choice and shall ensure that all customers are free to have more	1. Member States shall ensure that all customers are free to purchase gases from the supplier of their choice and shall ensure that all customers are free to have more	*Retain Council wording for sake of clarity and legal certainty*

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	than one supply contract for natural gas or hydrogen at the same time, provided that the required connection and metering points are established.	than one supply contract for natural gas or hydrogen at the same time, provided that the required connection and metering points are established ***and do not discriminate against non-gas heating or cooling solutions***.	than one supply contract for natural gas or hydrogen at the same time, provided that the required connection and metering points are established.	
Article 3(2)				
248	2. Member States shall ensure that their national law does not unduly hamper cross-border trade in gases, the functioning and emergence of liquid trading for gases, consumer participation, investments into, in particular, renewable and low carbon gases, or energy storage between Member States, and shall ensure that prices for gases reflect actual demand and supply.	***1a***. Member States shall ensure that their national law ***promotes a highly energy efficient and renewables-based market,*** does not unduly hamper cross-border trade in ***gas***, the functioning and emergence of liquid trading for ***gas***, consumer participation, investments into, in particular, renewable ***gas and low-carbon gas***, or energy storage between Member States, and shall ensure that prices for ***gas*** reflect actual demand and supply.	2. Member States shall ensure that their national law does not unduly hamper cross-border trade in gases, the functioning and emergence of liquid trading for gases, consumer participation, investments into, in particular, renewable and low carbon gases, or energy storage between Member States, and shall ensure that prices for gases reflect actual demand and supply.	
248a		***Member States shall ensure that liquid trading for gas is subject to transparency obligations, in particular with regard to commercial contracts, and***		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		adequate price building mechanisms.		
Article 3(3)				
249	3. Member States shall ensure that no undue barriers exist within the internal market for gases as regards market entry and exit, trading and operation.	3. Member States shall ensure that no undue barriers exist within the internal market for ***gas*** as regards market entry and exit, trading and operation.	3. Member States shall ensure that no undue barriers exist within the internal market for gases as regards market entry and exit, trading and operation.	
Article 3(4)				
250	4. Member States shall ensure that energy undertakings are subject to transparent, proportionate and non-discriminatory rules, fees and treatment, in particular with respect to access to wholesale markets, access to data, switching processes and billing regimes and, where applicable, licensing.	4. Member States shall ensure that energy undertakings are subject to transparent, proportionate and non-discriminatory rules, fees and treatment, in particular with ***regard to connection to the network,*** access to wholesale markets, access to data, switching processes and billing regimes and, where applicable, licensing.	4. Member States shall ensure that energy undertakings are subject to transparent, proportionate and non-discriminatory rules, fees and treatment, in particular with respect to access to wholesale markets, access to data, switching processes and billing regimes and, where applicable, licensing.	
Article 3(5)				
251	5. Member States shall ensure that market participants from third countries, when operating within the internal market for gases,	5. Member States shall ensure that market participants from third countries, when operating within the internal market for ***gas***,	5. Member States shall ensure that market participants from third countries, when operating within the internal market for gases, comply with applicable Union and	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	comply with applicable Union and national law.	comply with applicable Union and national law.	national law **including in the fields of environment and safety**.	
251a		***5a. Member States shall ensure a customer-centred and energy efficient approach in the hydrogen market. The use of renewable fuels and low-carbon fuels in the hydrogen network shall be prioritised for industrial customers in hard-to-decarbonise sectors with the highest greenhouse gas abatement potential, where more energy and cost efficient options are not available, including in hard to abate transport, such as maritime and aviation.***		*We cannot support EP amendment in this form : too prescriptive*
251b		***Article 3a*** ***EU indicative greenhouse gas intensity reduction target of the 2030 gas supply***		
251c				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		1. By ... [6 months of the date of entry into force of this Directive] the Commission shall present a report that investigates the effect of current energy and climate legislation in delivering renewable gas and low- carbon gas especially to end-users in hard-to-decarbonise sectors with the highest greenhouse gas abatement potential where no other more energy and cost-efficient options are available, compatibly with the capacities as identified in the network development plans as set out in Article 51 and distribution network development plans as set out in Article 52b and assess whether further measures at Union level are needed to ensure that sufficient volumes of renewable gas and low- carbon gas come to the market to meet the demand by 2030, while contributing to the intermediate target of reducing net greenhouse gas emissions by at least 55% by 2030, compared to 1990 levels.		
251d				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		2. Based on the report, the Commission shall, at the latest 6 months after its publication, where appropriate, put forward a legislative proposal to introduce measures, such as an indicative EU level target for the reduction of the greenhouse gas intensity of gas consumed in the Union by 2030. The use of dedicated hydrogen networks shall be considered. Without prejudice to the prioritisation of renewable gas, the target shall be considered addition to all relevant provisions in Directive [RED II and RED III] and Directive [EED], consistent with all relevant energy and climate legislation and take into account security of supplies and quality requirements for cross-border f gas. When calculating the target, the gradual phase-out of fossil gas and the assumed reduction of demand for gas in sectors other than hard-to-decarbonise sectors where no other more energy or cost efficient options are available shall be taken into account. The Commission accompany the proposal with a delegated act specifying the methodology for		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		calculating and certifying the achievement of such target.		
251e		***3. The Commission shall also specify the way Member States collectively aim at ensuring that the EU indicative greenhouse gas intensity reduction target is met, also by differentiated sectoral approaches, and how it shall be integrated in their national energy and climate plan.***		
Article 4				
252	Article 4 Market based supply prices	Article 4 Market based supply prices	Article 4 Market based supply prices	
Article 4(1)				
253	1. Suppliers shall be free to determine the price at which they supply gases to customers. Member States shall take appropriate actions to ensure effective competition between suppliers.	1. Suppliers shall be free to determine the price at which they supply ***gas*** to customers. Member States shall take appropriate actions to ensure effective competition between ***supply undertakings and to avoid abuses of dominant positions as well as speculative and manipulative***	1. Suppliers shall be free to determine the price at which they supply gases to customers. Member States shall take appropriate actions to ensure effective competition between suppliers.	*Keep Council text here and in line253a : the EP addition is already covered by EU primary and secondary as well as national legislation*

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		behaviour, to ensure fair prices for the final customers, as well as to ensure a level playing field between gas, electricity and thermal renewables.		
253a		***1a. If there is evidence of market abuse in the retail market, Member States shall ensure that the relevant national authority intervenes immediately, including with regard to limiting the margins and profits of the undertaking concerned.***		
Article 4(2)				
254	2. Member States shall ensure the protection of energy poor and vulnerable household customers pursuant to Articles 25 by social policy or by other means than public interventions in the price setting for the supply of gases.	2. Member States shall ensure the protection of ***vulnerable household customers and customers affected by or at risk of energy poverty*** pursuant to Articles 25 by social policy or by other means than public interventions in the price setting for the supply of ***gas***.	2. Member States shall ensure the protection of energy poor and vulnerable household customers pursuant to Articles 25 by social policy or by other means than public interventions in the price setting for the supply of gases.	*EP insertion of « affected by or at risk of » would be near impossible to administrate : delete here and below : Councli wording near to that of Electricity Dir.*
Article 4(3)				
255				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	3. By way of derogation from paragraphs 1 and 2, Member States may apply public interventions in the price setting for the supply of natural gas to energy poor or vulnerable household customers. Such public interventions shall be subject to the conditions set out in paragraphs 4 and 5.	3. By way of derogation from paragraphs 1 and 2, Member States may apply public interventions in the price setting for the supply of natural gas to ***vulnerable household customers and customers affected by or at risk of energy poverty***. Such public interventions shall be subject to the conditions set out in paragraphs 4***, 4a*** and 5.	3. By way of derogation from paragraphs 1 and 2, Member States may apply public interventions in the price setting for the supply of natural gas to energy poor or vulnerable household customers. Such public interventions shall be subject to the conditions set out in paragraphs 4 and 5.	
Article 4(4)				
256	4. Public interventions in the price setting for the supply of natural gas shall:	4. Public interventions in the price setting for the supply of natural gas shall:	4. Public interventions in the price setting for the supply of natural gas shall:	
Article 4(4), point (a)				
257	(a) pursue a general economic interest and not go beyond what is necessary to achieve that general economic interest;	(a) pursue a general economic interest and not go beyond what is necessary to achieve that general economic interest;	(a) pursue a general economic interest and not go beyond what is necessary to achieve that general economic interest;	
Article 4(4), point (b)				
258	(b) be clearly defined, transparent, non-discriminatory and verifiable;	(b) be clearly defined, transparent, non-discriminatory and verifiable;	(b) be clearly defined, transparent, non-discriminatory and verifiable;	
Article 4(4), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
259	(c) guarantee equal access for Union natural gas undertakings to customers;	(c) guarantee equal access for Union natural gas undertakings to customers;	(c) guarantee equal access for Union natural gas undertakings to customers;	
Article 4(4), point (d)				
260	(d) be limited in time and proportionate as regards their beneficiaries;	(d) be limited in time and proportionate as regards their beneficiaries;	(d) be limited in time and proportionate as regards their beneficiaries;	
Article 4(4), point (e)				
261	(e) not result in additional costs for market participants in a discriminatory way.	(e) not result in additional costs for market participants in a discriminatory way***;***	(e) not result in additional costs for market participants in a discriminatory way.	
261a		***(ea) not hamper the transition to an integrated, highly energy efficient and renewables-based energy system in accordance with the relevant Union targets, law and strategies.***		
261b		***4a. When applying public interventions in price setting for***		*Cannot support EP amendments here and until line 261f : too*

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		the supply of natural gas in accordance with paragraph 3 or 6, Members States shall provide all of the following:		*prescriptive (also with regard to subsidiarity)*
261c		***(a) financial and administrative support to beneficiaries for the purpose of investing in energy efficiency and renewable energy technologies;***		
261d		***(b) decent and affordable social housing;***		
261e		***(c) housing which complies with minimum energy performance standards;***		
261f		***(d) access to information and advice on energy efficiency and renewable energy technologies.***		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 4(5)				
262	5. Any Member State applying public interventions in the price setting for the supply of natural gas in accordance with paragraph 3 of this Article shall also comply with of Article 3(3), point (d) and with Article 24 of Regulation (EU) 2018/1999, regardless of whether the Member State concerned has a significant number of households in energy poverty.	5. Any Member State applying public interventions in the price setting for the supply of natural gas in accordance with paragraph 3 of this Article shall also comply with of Article 3(3), point (d) and with Article 24 of Regulation (EU) 2018/1999, regardless of whether the Member State concerned has a significant number of households ***affected by energy poverty. An adequate regulatory and financial support framework shall be put in place to effectively address customers affected by or at risk of*** energy poverty ***prior to the removal of public interventions in the price setting for the supply of natural gas***.	5. Any Member State applying public interventions in the price setting for the supply of natural gas in accordance with paragraph 3 of this Article shall also comply with of Article 3(3), point (d) and with Article 24 of Regulation (EU) 2018/1999, regardless of whether the Member State concerned has a significant number of households in energy poverty.	*Keep Council text : EP amendment would vastly expand scope of para 5 (also subsidiarity issue). Council wording also nearer to Electricity Market Dir.*
Article 4(6)				
263	6. For the purpose of a transition period to establish effective competition for natural gas supply contracts between suppliers, and to achieve fully effective market-based retail pricing of gas in accordance with paragraph 1, Member States may apply public interventions in the price setting	6. For the purpose of a ***transitional*** period to establish effective competition for natural gas supply contracts between suppliers, and to achieve fully effective market-based ***and affordable*** retail pricing of gas in accordance with paragraph 1 ***of this Article***, Member States may	6. For the purpose of a transition period to establish effective competition for natural gas supply contracts between suppliers, and to achieve fully effective market-based retail pricing of gas in accordance with paragraph 1, Member States may apply public interventions in the price setting	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	for the supply of natural gas to household customers and to microenterprises that do not benefit from public interventions pursuant to paragraph 3.	apply public interventions in the price setting for the supply of natural gas to household customers and to microenterprises that do not benefit from public interventions pursuant to paragraph 3 ***of this Article, as well as, in exceptional circumstances, to other limited number of customer groups, such as protected customers as defined in Article 2, point (5), of Regulation (EU) 2017/1938, in order to avoid significant impact on the economy and society***.	for the supply of natural gas to household customers ~~and to microenterprises~~ that do not benefit from public interventions pursuant to paragraph 3 **and to microenterprises**.	
Article 4(7)				
264	7. Public interventions pursuant to paragraph 6 shall comply with the criteria set out in paragraph 4 and shall:	7. Public interventions pursuant to paragraph 6 shall comply with the criteria set out in ***paragraphs 4 and 4a*** and shall:	7. Public interventions pursuant to paragraph 6 shall comply with the criteria set out in paragraph 4 and shall:	
Article 4(7), point (a)				
265	(a) be accompanied by a set of measures to achieve effective competition and a methodology for assessing progress with regard to those measures;	(a) be accompanied by a set of measures to achieve effective competition and a methodology for assessing progress with regard to those measures;	(a) be accompanied by a set of measures to achieve effective competition and a methodology for assessing progress with regard to those measures;	
Article 4(7), point (b)				

Public

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
266	(b) be set using a methodology that ensures non-discriminatory treatment of suppliers;	(b) be set using a methodology that ensures non-discriminatory treatment of suppliers;	(b) be set using a methodology that ensures non-discriminatory treatment of suppliers;	
Article 4(7), point (c)				
267	(c) be set at a price that is above cost, at a level where effective price competition can occur;	(c) be set at a price that is above cost, at a level where effective price competition can occur;	(c) be set at a price that is above cost, at a level where effective price competition can occur;	
Article 4(7), point (d)				
268	(d) be designed to minimise any negative impact on the wholesale natural gas market;	(d) be designed to minimise any negative impact on the wholesale natural gas market;	(d) be designed to minimise any negative impact on the wholesale natural gas market;	
Article 4(7), point (e)				
269	(e) ensure that all beneficiaries of such public interventions have the possibility to choose competitive market offers and are directly informed at least every quarter of the availability of offers and savings in the competitive market, and shall ensure that they are provided with assistance to switch to a market-based offer;	(e) ensure that all beneficiaries of such public interventions have the possibility to choose competitive market offers and are directly informed at least every quarter of the availability of offers and savings in the competitive market, and shall ensure that they are provided with assistance to switch to a market-based offer;	(e) ensure that all beneficiaries of such public interventions have the possibility to choose competitive market offers and are directly informed at least every quarter of the availability of offers and savings in the competitive market, and shall ensure that they are provided with assistance to switch to a market-based offer;	
Article 4(7), point (f)				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
270	(f) ensure that, pursuant to Articles 18 and 19, all beneficiaries of such public interventions are entitled to, and are offered to, have smart meters installed at no extra upfront cost to the customer, are directly informed of the possibility of installing smart meters and are provided with necessary assistance;	(f) ensure that, pursuant to Articles 18 and 19, all beneficiaries of such public interventions are entitled to, and are offered to, have smart meters installed at no extra upfront cost to the customer, are directly informed of the possibility of installing smart meters and are provided with necessary assistance;	(f) ensure ~~that, pursuant to Articles 18 and 19, all beneficiaries of such public interventions are entitled to, and are offered to~~, **in case the Member State proceeds with the deployment of smart metering systems in acccordance with Article 16**, ~~have smart meters installed at no extra upfront cost to the customer~~ **that all beneficiaries of such public interventions** , are directly informed of the possibility of installing smart meters and are provided with necessary assistance;	
Article 4(7), point (g)				
271	(g) not lead to direct cross-subsidisation between customers supplied at free market prices and those supplied at regulated supply prices.	(g) not lead to direct cross-subsidisation between customers supplied at free market prices and those supplied at regulated supply prices.	(g) not lead to direct cross-subsidisation between customers supplied at free market prices and those supplied at regulated supply prices.	
Article 4(8)				
272	8. Member States shall notify the measures taken in accordance with paragraphs 3 and 6 to the	8. Member States shall notify the measures taken in accordance with paragraphs 3 and 6 to the	8. Member States shall notify the measures taken in accordance with paragraphs 3 and 6 to the	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Commission within one month after their adoption and may apply them immediately. The notification shall be accompanied by an explanation of why other instruments were not sufficient to achieve the objective pursued, of how the requirements set out in paragraphs 4 and 7 are fulfilled and of the effects of the notified measures on competition. The notification shall describe the scope of the beneficiaries, the duration of the measures and the number of household customers affected by the measures, and shall explain how the regulated prices have been determined.	Commission within one month after their adoption and may apply them immediately. The notification shall be accompanied by an explanation of why other instruments were not sufficient to achieve the objective pursued, of how the requirements set out in paragraphs 4***, 4a, 5*** and 7 are fulfilled and of the effects of the notified measures on competition. The notification shall describe the scope of the ***beneficiaries, in particular vulnerable household customers and customers affected by or at risk of energy poverty, as well as potential other*** beneficiaries, the duration of the measures and the number of household customers affected by the measures, and shall explain how the regulated prices have been determined.	Commission within one month after their adoption and may apply them immediately. The notification shall be accompanied by an explanation of why other instruments were not sufficient to achieve the objective pursued, of how the requirements set out in paragraphs 4 and 7 are fulfilled and of the effects of the notified measures on competition. The notification shall describe the scope of the beneficiaries, the duration of the measures and the number of household customers affected by the measures, and shall explain how the regulated prices have been determined.	
Article 4(9)				
273	9. From 15 March 2025, and every two years thereafter, as part of the integrated national energy and climate progress reports, Member States shall submit reports to the Commission on the implementation of this Article, the	9. From 15 March 2025, and every two years thereafter, as part of the integrated national energy and climate progress reports, Member States shall submit reports to the Commission on the implementation of this Article, the	9. From 15 March 2025, and every two years thereafter, as part of the integrated national energy and climate progress reports, Member States shall submit reports to the Commission on the implementation of this Article, the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	necessity and proportionality of public interventions under this Article, and an assessment of the progress towards achieving effective competition between suppliers and the transition to market-based prices. Member States that apply regulated prices in accordance with paragraph 6 shall report on the compliance with the conditions set out in paragraph 7, including on compliance by suppliers that are required to apply such interventions, as well as on the impact of regulated prices on the finances of those suppliers.	necessity and proportionality of public interventions under this Article, and an assessment of the progress towards achieving effective competition between suppliers and the transition to market-based prices. Member States that apply regulated prices in accordance with paragraph 6 shall report on the compliance with the conditions set out in paragraph 7, including on compliance by suppliers that are required to apply such interventions, as well as on the impact of regulated prices on the finances of those suppliers.	necessity and proportionality of public interventions under this Article, and an assessment of the progress towards achieving effective competition between suppliers and the transition to market-based prices. Member States that apply regulated prices in accordance with paragraph 6 shall report on the compliance with the conditions set out in paragraph 7, including on compliance by suppliers that are required to apply such interventions, as well as on the impact of regulated prices on the finances of those suppliers.	
Article 4(10)				
274	10. The Commission shall review and submit a report to the European Parliament and to the Council on the implementation of this Article for the purpose of achieving market-based retail pricing of natural gas, together with or followed by a legislative proposal, if appropriate. This report may be combined with the report on the implementation of Article 5 of Directive (EU) 2019/944. That legislative	10. The Commission shall review and submit a report to the European Parliament and to the Council on the implementation of this Article for the purpose of achieving market-based retail pricing of natural gas, together with or followed by a legislative proposal, if appropriate. ***That legislative proposal may include an end date for regulated prices. That report shall, where appropriate, include an***	10. The Commission shall review and submit a report to the European Parliament and to the Council on the implementation of this Article for the purpose of achieving market-based retail pricing of natural gas, together with or followed by a legislative proposal, if appropriate. This report may be combined with the report on the implementation of Article 5 of Directive (EU) 2019/944. That legislative	*Not in principle opposed to EP amendment*

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	proposal may include an end date for regulated prices.	***assessment of the impact of those measures on the progress in achieving the Union's climate neutrality objective and the other energy and climate objectives laid down in applicable Union energy law. That*** report may be combined with the report on the implementation of Article 5 of Directive (EU) 2019/944. ▌	proposal may include an end date for regulated prices.	
274a			**Article 4a** **Access to affordable energy during a natural gas price crisis**	
274b			**1. The Council, on a proposal from the Commission, by means of an implementing decision, may declare a regional or Union-wide natural gas price crisis where the conditions in Article 66a(1) of Directive (EU) 2019/944 are fulfilled. The decision declaring a regional or Union-wide natural gas price crisis shall specify the validity of that decision which may be for a period of up to one year.**	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
274c			**2. The Commission shall present a proposal for declaring such a natural gas price crisis, including the proposed period of validity of the decision, where it considers that the conditions referred to in paragraph 1 are fulfilled.**	
274d			**3. The Council, acting by a qualified majority, may amend the Commission proposal.**	
274e			**4. Where the Council has declared a crisis pursuant to paragraph 1, Member States may, for the duration and subject to the conditions referred to in Article 66a(3) of Directive (EU) 2019/944, apply targeted public interventions in price setting for the supply of natural gas to small and medium sized enterprises, households**	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			and essential social services as defined in Regulation (EU) 2017/1938 concerning measures to safeguard the security of gas supply.	
274f			**5. Price interventions pursuant to paragraph 2 and for household customers and microenterprises referred to in Article 4(6) may, exceptionally and temporarily, be set below cost for the duration, and subject to the conditions, referred to in Article 66a(4) of Directive (EU) 2019/944.**	
274g			**6. For the purposes of applying this Article, any references to "electricity" in Directive (EU) 2019/944 shall be construed as references to "natural gas".**	
Article 5				
275	Article 5 Public service obligations	Article 5 Public service obligations	Article 5 Public service obligations	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 5(1)				
276	1. Member States shall ensure, on the basis of their institutional organisation and with due regard to the principle of subsidiarity, that, without prejudice to paragraph 2, natural gas and hydrogen undertakings are operated in accordance with the principles of this Directive with a view to achieving a competitive, secure and environmentally sustainable market in gases, and shall not discriminate between those undertakings as regards their rights or obligations.	1. Member States shall ensure, on the basis of their institutional organisation and with due regard to the principle of subsidiarity, that, without prejudice to paragraph 2, natural gas and hydrogen undertakings are operated in accordance with the principles of this Directive with a view to achieving a competitive, secure and environmentally sustainable ***gas*** market***. Member States*** shall not discriminate between those undertakings as regards their rights or obligations ***and shall not discriminate between undertakings providing the same services on the basis of renewables or by means of electrification directly from renewables***.	1. Member States shall ensure, on the basis of their institutional organisation and with due regard to the principle of subsidiarity, that, without prejudice to paragraph 2, natural gas and hydrogen undertakings are operated in accordance with the principles of this Directive with a view to achieving a competitive, secure and environmentally sustainable market in gases, and shall not discriminate between those undertakings as regards their rights or obligations.	*Value added of EP amendment unclear*
Article 5(2)				
277	2. Having full regard to the relevant provisions of the TFEU, in particular Article 106 thereof, Member States may impose on natural gas and hydrogen	2. Having full regard to the relevant provisions of the TFEU, in particular Article 106 thereof, Member States may impose on natural gas and hydrogen	2. Having full regard to the relevant provisions of the TFEU, in particular Article 106 thereof, Member States may impose on natural gas and hydrogen	*Value added of EP amendment vs Council unclear, but not in principle opposed*

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	undertakings, in the general economic interest, public service obligations which may relate to security, including security of supply, regularity, and quality of supplies, and environmental protection, including energy efficiency, energy from renewable sources and climate protection. Such obligations shall be clearly defined, transparent, non-discriminatory, verifiable and shall guarantee equality of access for natural gas undertakings and hydrogen undertakings of the Union to national consumers.	undertakings, in the general economic interest, public service obligations which may relate to security, including security of supply, regularity, ***quality and price*** of supplies, and environmental protection, including energy efficiency, energy from renewable sources and climate protection ***and existing requirements to reduce or switch from fossil gas consumption***. Such obligations shall be clearly defined, transparent, non-discriminatory, verifiable and shall guarantee equality of access for natural gas undertakings and hydrogen undertakings of the Union to national consumers. ***Public service obligations which concern public interventions in the price setting for the supply of gas shall comply with the requirements set out in Article 4. As regards the security of supply, energy efficiency/demand-side management and for the fulfilment of environmental goals and goals for energy from renewable sources, as referred to in this paragraph, Member States may introduce the implementation of long-term***	undertakings , in the general economic interest, public service obligations which may relate to security, including security of supply, regularity, and quality of supplies, and environmental protection, including energy efficiency, energy from renewable sources and climate protection **and to the price of natural gas supply**. Such obligations shall be clearly defined, transparent, non-discriminatory, verifiable and shall guarantee equality of access for natural gas undertakings and hydrogen undertakings of the Union to national consumers.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		planning, taking into account the possibility of third parties seeking access to the system.		
Article 5(3)				
278	3. Public service obligations related to the security of gas supply shall not go beyond what is necessary to ensure compliance with the gas supply standards pursuant to Article 6 of Regulation (EU) 2017/1938 and shall be coherent with the results of the national risk assessments carried out pursuant to Article 7(3), as detailed in the Preventive Action Plans prepared pursuant to Article 9(1), points (c),(d) and (k) of the same Regulation.	3. Public service obligations related to the security of gas supply shall not go beyond what is necessary to ensure compliance ***of natural gas undertakings*** with the gas supply standards pursuant to Article 6 of Regulation (EU) 2017/1938 and shall be coherent with the results of the national risk assessments carried out pursuant to Article 7(3), as detailed in the Preventive Action Plans prepared pursuant to Article 9(1), points (c), (d) and (k) of ***that*** Regulation.	3. Public service obligations related to the security of gas supply shall ~~not go beyond what is necessary to ensure compliance~~ **comply** with the gas supply standards pursuant to Article 6 of Regulation (EU) 2017/1938 and shall be coherent with the results of the national risk assessments carried out pursuant to Article 7(3), as detailed in the Preventive Action Plans prepared pursuant to Article 9(1), points (c),(d) and (k) of the same Regulation. **Public service obligations going beyond what is necessary to ensure compliance with Article 6 of Regulation (EU) 2017/1938 shall be compliant with the criteria set out in Article 8(1) of Regulation (EU) 2017/1938.**	
Article 5(4)				
279	4. Where financial compensation or other forms of compensation	4. Where financial compensation or other forms of compensation	4. Where financial compensation or other forms of compensation	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	are granted by a Member State for the fulfilment of the obligations set out in this Article, it shall be done in a non-discriminatory and transparent way.	are granted by a Member State for the fulfilment of the obligations set out in this Article, it shall be done in a non-discriminatory and transparent way.	are granted by a Member State for the fulfilment of the obligations set out in this Article, it shall be done in a non-discriminatory and transparent way.	
Article 5(5)				
280	5. Member States shall, upon implementation of this Directive, inform the Commission of all measures adopted to fulfil public service obligations, including consumer and environmental protection, and their possible effect on national and international competition, whether or not such measures require a derogation from the provisions of this Directive. They shall notify the Commission subsequently every two years of any changes to such measures, whether or not they require a derogation from this Directive.	5. Member States shall, upon implementation of this Directive, inform the Commission of all measures adopted to fulfil public service obligations, including consumer and environmental protection, and their possible effect on national and international competition, whether or not such measures require a derogation from the provisions of this Directive. They shall notify the Commission subsequently every two years of any changes to such measures, whether or not they require a derogation from this Directive.	5. Member States shall, upon implementation of this Directive, inform the Commission of all measures adopted to fulfil public service obligations, including consumer and environmental protection, and their possible effect on national and international competition, whether or not such measures require a derogation from the provisions of this Directive. They shall notify the Commission subsequently every two years of any changes to such measures, whether or not they require a derogation from this Directive.	
280a		***5a. Any measure adopted to fulfil public service obligations pursuant to this Article shall promote the energy efficiency***		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		first principle and further energy system integration, contribute to the prudent and rational use of natural resources and contribute to achieving the Union's climate and energy targets and the integrated national energy and climate plan and long-term strategy adopted under Regulation (EU) 2018/1999.		
280b		***5b. Member States shall consult relevant stakeholders when imposing or adopting a measure to fulfil public service obligations pursuant to this Article. Without prejudice to other consultation or transparency provisions laid down in Union or national law, those consultations shall take place at an early stage and in an open, inclusive and transparent manner. The participation in consultations shall be voluntary and all relevant stakeholders shall be invited, including regulatory authorities, the transmission and distribution system operator, associations and undertakings involved in production, supply and***		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		consumption of electricity, gas and hydrogen markets, heating and cooling, independent aggregators, demand-response operators, organisations involved in energy efficiency solutions, energy consumer associations, civil society representatives, research organisations and universities, where appropriate.		
280c		***The consultations shall aim to identify the views and proposals of all relevant stakeholders during the decision-making process as well as informing relevant stakeholders about the objectives of the measure referred to in the first subparagraph, why it is necessary and how it contributes to achieving the Union's climate and energy targets.***		
280d		***All official documents related to the consultations and documents used for development of the measure shall be made public***		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		while preserving the confidentiality of commercially sensitive information and data protection.		
280e		***To ensure early and effective participation in the consultations of the stakeholders referred to in the first subparagraph, Member States shall publish a draft decision or measure in a timely, adequate manner prior to its adoption, to allow the stakeholders provide their comments.***		
Article 6				
281	Article 6 Promotion of regional cooperation and integration	Article 6 Promotion of regional cooperation and integration	Article 6 Promotion of regional cooperation and integration	
Article 6(1)				
282	1. Member States as well as the regulatory authorities shall cooperate with each other for the purpose of integrating their national markets at one and more	1. Member States as well as the regulatory authorities shall cooperate with each other for the purpose of integrating their national markets at one and more	1. Member States as well as the regulatory authorities shall cooperate with each other for the purpose of integrating their national markets at one and more	*We can support EP amendment*

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	regional levels, towards the creation of regional markets, where Member States as well regulatory authorities so decided, and further towards the creation of a fully liberalised internal market. In particular, the regulatory authorities where Member States have so provided or Member States shall promote and facilitate the cooperation of natural gas transmission system operators and hydrogen network operators at a regional level, including on cross-border issues, with the aim of creating a competitive internal market for gases, foster the consistency of their legal, regulatory and technical framework and facilitate integration of the isolated systems forming gas islands that persist in the Union. The geographical areas covered by such regional cooperation shall include cooperation in geographical areas defined in accordance with Article 28(3) of Recast Gas Regulation as proposed in COM(2021) 804 final. Such cooperation may cover other geographical areas. Where the Commission considers that the rules at Union level are relevant for the regional integration of	regional levels, towards the creation of regional markets, where Member States as well regulatory authorities so decided, and further towards the creation of a fully liberalised internal market. In particular, the regulatory authorities where Member States have so provided or Member States shall promote and facilitate the cooperation of natural gas transmission system operators and hydrogen network operators at a regional level, including on cross-border issues ***and on the decommissioning of assets***, with the aim of ***ensuring cost-effective decarbonisation and*** creating a competitive internal market for ***gas***, foster the consistency of their legal, regulatory and technical framework and facilitate integration of the isolated systems forming gas islands that persist in the Union. The geographical areas covered by such regional cooperation shall include cooperation in geographical areas defined in accordance with Article 28(3) of Recast Gas Regulation as proposed in COM(2021) 804 final. Such cooperation may cover other geographical areas. Where the Commission considers that the	regional levels, towards the creation of regional markets, where Member States as well regulatory authorities so decided, and further towards the creation of a fully liberalised internal market. In particular, the regulatory authorities where Member States have so provided or Member States shall promote and facilitate the cooperation of natural gas transmission system operators and hydrogen network operators at a regional level, including on cross-border issues, with the aim of creating a competitive internal market for gases , foster the consistency of their legal, regulatory and technical framework and facilitate integration of the isolated systems forming gas islands that persist in the Union. The geographical areas covered by such regional cooperation shall include cooperation in geographical areas defined in accordance with Article 28(3) of Recast Gas Regulation as proposed in COM(2021) 804~~ final~~ . Such cooperation may cover other geographical areas. Where the Commission considers that the rules at Union level are relevant for the regional integration of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	markets for gases, it shall provide appropriate guidance taking into account the specificities of these markets and the impact on neighbouring markets.	rules at Union level are relevant for the regional integration of markets for ***gas***, it shall provide appropriate guidance taking into account the specificities of these markets and the impact on neighbouring markets.	markets for gases, it shall provide appropriate **non-binding** guidance taking into account the specificities of these markets and the impact on neighbouring markets.	
Article 6(2)				
283	2. The Agency for the Cooperation of Energy Regulators ('ACER') shall cooperate with regulatory authorities and transmission system operators to ensure the compatibility of regulatory frameworks between and within the regions with the aim of creating a competitive internal market in gases. Where ACER considers that binding rules on such cooperation are required, it shall make appropriate recommendations.	2. The Agency for the Cooperation of Energy Regulators ('ACER') shall cooperate with regulatory authorities and transmission system operators to ensure the compatibility of regulatory frameworks between and within the regions with the aim of creating a competitive internal market in ***gas that is compatible with the Union's climate neutrality objective***. Where ACER considers that binding rules on such cooperation are required, it shall make appropriate recommendations.	2. The Agency for the Cooperation of Energy Regulators ('ACER ') shall cooperate with regulatory authorities and transmission system **operators and hydrogen network** operators to ensure the compatibility of regulatory frameworks between and within the regions with the aim of creating a competitive internal market in gases. Where ACER considers that binding rules on such cooperation are required, it shall make appropriate recommendations.	
Article 6(3)				
284	3. Where vertically integrated transmission system operators participate in a joint undertaking	3. Where vertically integrated transmission system operators participate in a joint undertaking	3. Where vertically integrated transmission system operators participate in a joint undertaking	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	established for implementing such cooperation, the joint undertaking shall establish and implement a compliance programme which sets out the measures to be taken to ensure that discriminatory and anticompetitive conduct is excluded. That compliance programme shall set out the specific obligations of employees to meet the objective of excluding discriminatory and anticompetitive conduct. It shall be subject to the approval of ACER. Compliance with the programme shall be independently monitored by the compliance officers of the vertically integrated transmission system operators.	established for implementing such cooperation, the joint undertaking shall establish and implement a compliance programme which sets out the measures to be taken to ensure that discriminatory and anticompetitive conduct is excluded. That compliance programme shall set out the specific obligations of employees to meet the objective of excluding discriminatory and anticompetitive conduct. It shall be subject to the approval of ACER. Compliance with the programme shall be independently monitored by the compliance officers of the vertically integrated transmission system operators.	established for implementing such cooperation, the joint undertaking shall establish and implement a compliance programme which sets out the measures to be taken to ensure that discriminatory and anticompetitive conduct is excluded. That compliance programme shall set out the specific obligations of employees to meet the objective of excluding discriminatory and anticompetitive conduct. It shall be subject to the approval of ACER. Compliance with the programme shall be independently monitored by the compliance officers of the vertically integrated transmission system operators.	
Article 7				
285	Article 7 Authorisation procedure	Article 7 Authorisation procedure	Article 7 Authorisation procedure	
Article 7(1)				
286	1. In circumstances where an authorisation (for example, a licence, permission, concession, consent or approval) is required for the construction or operation of	1. In circumstances where an authorisation (for example, a licence, permission, concession, consent or approval) is required for the construction**,** or operation	1. In circumstances where an authorisation (for example, a licence, permission, concession, consent or approval) is required for the construction or operation of	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	natural gas facilities, hydrogen production facilities and hydrogen system infrastructure, the Member States or any competent authority they designate shall grant authorisations to build and/or operate such facilities, infrastructure, pipelines and associated equipment on their territory, in accordance with paragraphs 2 to 11. Member States or any competent authority they designate may also grant authorisations on the same basis for the supply of gases and for wholesale customers.	of natural gas facilities, hydrogen production facilities and hydrogen system infrastructure, the Member States or any competent authority they designate shall grant authorisations to build and/or operate such facilities, infrastructure, pipelines and associated equipment on their territory, in accordance with paragraphs 2 to 11. Member States or any competent authority they designate may also grant authorisations on the same basis for the supply of ***gas*** and for wholesale customers.	natural gas facilities, hydrogen production facilities and hydrogen system infrastructure, the Member States or any competent authority they designate shall grant authorisations to build and/or operate such facilities, infrastructure, pipelines and associated equipment on their territory, in accordance with paragraphs 2 to ~~11~~ **10**. Member States or any competent authority they designate may also grant authorisations on the same basis for the supply of gases and for wholesale customers.	
Article 7(2)				
287	2. Where Member States have a system of authorisation, they shall lay down objective and non-discriminatory criteria which shall be met by an undertaking applying for an authorisation to supply gases or to construct and/or operate natural gas facilities, hydrogen production facilities or hydrogen system infrastructure. The non-discriminatory criteria and procedures for the granting of authorisations shall be made public. Member States shall ensure	2. Where Member States have a system of authorisation, they shall lay down objective and non-discriminatory criteria***, and transparent procedures as referred to in Articles 51(8a) and 52b(2)*** which shall be met ***when*** an undertaking ***applies*** for an authorisation to supply ***gas*** or to construct and/or operate natural gas facilities, hydrogen production facilities or hydrogen system infrastructure. The non-discriminatory criteria and	2. Where Member States have a system of authorisation, they shall lay down objective and non-discriminatory criteria which shall be met by an undertaking applying for an authorisation to supply gases or to construct and/or operate natural gas facilities, hydrogen production facilities or hydrogen system infrastructure . The non-discriminatory criteria and procedures for the granting of authorisations shall be made public. Member States shall ensure	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	that authorisation procedures for such facilities, infrastructure, pipelines and associated equipment take into account the importance of the project for the internal market for gases where appropriate.	procedures for the granting of authorisations shall be made ***publicly available***. Member States shall ensure that authorisation procedures for such facilities, infrastructure, pipelines and associated equipment take into account the importance of the project for the internal market for ***gas*** where appropriate.	that authorisation procedures for such facilities, infrastructure, pipelines and associated equipment take into account the importance of the project for the internal market for gases where appropriate.	
287a			**2a. For natural gas suppliers, Member States may assess financial strength and technical capabilities of applicants as a criterion for authorization. Such criterion should be fully transparent and non-discriminatory.**	
Article 7(2a)				
287b		***2a. Member States shall ensure that any national rules concerning the authorisation procedure referred to in this Article are proportionate and necessary, contribute to the implementation of the energy efficiency first principle and***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		contribute to achieving the Union's climate and energy targets and the Member State's integrated national energy and climate plan as well as to their long-term strategies adopted under Regulation (EU) 2018/1999.		
Article 7(3)				
288	3. The authorisation procedures for the activities referred to in paragraph 1 shall not exceed two years, including all relevant procedures of competent authorities. Where duly justified on the grounds of extraordinary circumstances, that two-year period may be extended by up to one year	3. The authorisation procedures for the activities referred to in paragraph 1 shall not exceed two years, including all relevant procedures of competent authorities***, without prejudice to the rules applicable under Directive (EU) 2018/2001 [amended RED]***. Where duly justified on the grounds of extraordinary circumstances, that two-year period may be extended by up to one year**.**	3. The authorisation procedures for the activities referred to in paragraph 1 shall not exceed two years, including all relevant procedures of competent authorities. Where duly justified on the grounds of extraordinary circumstances, that two-year period may be extended by up to one year**.**	
Article 7(4)				
289	4. Member States shall assess which legislative and non-legislative measures are necessary to streamline authorisation procedures, including any	4. Member States shall assess which legislative and non-legislative measures are necessary to streamline authorisation procedures, including***, without***	4. Member States shall assess which **national** legislative and non-legislative measures are necessary to streamline authorisation procedures,	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	procedural steps related to environmental impact assessment procedures. Member States shall report to the European Commission on the results of such an assessment as part of their integrated national energy and climate plans as referred to in, and in accordance with, the procedure set out in Article 3 and Articles 7 to 12 of Regulation (EU) 2018/1999, and as part of their integrated national energy and climate progress reports pursuant to Article 17 of Regulation (EU) 2018/1999.	***hampering,*** any procedural steps related to environmental impact assessment procedures ***and public consultations***. Member States shall report to the European Commission on the results of such an assessment as part of their integrated national energy and climate plans as referred to in, and in accordance with, the procedure set out in Article 3 and Articles 7 to 12 of Regulation (EU) 2018/1999, and as part of their integrated national energy and climate progress reports pursuant to Article 17 of Regulation (EU) 2018/1999.	including any procedural steps related to environmental impact assessment procedures. Member States shall report to the European Commission on the results of such an assessment as part of their integrated national energy and climate plans as referred to in, and in accordance with, the procedure set out in Article 3 and Articles 7 to 12 of Regulation (EU) 2018/1999, and as part of their integrated national energy and climate progress reports pursuant to Article 17 of Regulation (EU) 2018/1999.	
Article 7(5)				
290	5. The deadlines established in paragraph 3 shall apply without prejudice to obligations under applicable Union environmental law, to judicial appeals, remedies and other proceedings before a court or tribunal, and to alternative dispute resolution mechanisms, including complaints procedures, non-judicial appeals and remedies, and may be extended for the duration of such procedures.	5. The deadlines established in paragraph 3 shall apply without prejudice to obligations under applicable Union environmental ***and energy law, such as Directive (EU) 2018/2001 [amended RED]***, to judicial appeals, remedies and other proceedings before a court or tribunal, and to alternative dispute resolution mechanisms, including complaints procedures, non-judicial appeals and remedies, and	5. The deadlines established in paragraph 3 shall apply without prejudice to obligations under applicable Union environmental law, to judicial appeals, remedies and other proceedings before a court or tribunal, and to alternative dispute resolution mechanisms, including complaints procedures, non-judicial appeals and remedies, and may be extended for the duration of such procedures.	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		may be extended for the duration of such procedures.		
Article 7(6)				
291	6. Member States shall set up or designate one or more contact points. Those contact points shall, upon request by the applicant, and free of charge, guide through and facilitate the entire authorisation procedure for the activities referred to in paragraph 1 up to the delivery by the responsible authorities at the end of the procedure. The applicant shall not be required to contact more than one contact point for the entire process.	6. Member States shall set up or designate one or more contact points. Those contact points shall, upon request by the applicant, and free of charge, guide through and facilitate the entire authorisation procedure for the activities referred to in paragraph 1 up to the delivery by the responsible authorities at the end of the procedure. The applicant shall not be required to contact more than one contact point for the entire process.	6. Member States shall set up or designate one or more contact points. Those contact points shall, upon request by the applicant, and free of charge, guide through and facilitate the entire authorisation procedure for the activities referred to in paragraph 1 up to the delivery by the responsible authorities at the end of the procedure. The applicant shall not be required to contact more than one contact point for the entire process.	
Article 7(7)				
292	7. Member States shall ensure that authorisations under national law for the construction and operation of natural gas pipelines and other network assets used for the transport of natural gas shall apply also to pipelines and network assets for the transport of hydrogen.	7. Member States shall ensure that authorisations under national law for the construction and operation of natural gas pipelines and other network assets used for the transport of natural gas shall apply also to pipelines and network assets for the transport of hydrogen.	7. Member States shall ensure that authorisations under national law for the construction and operation of natural gas **system infrastructure also apply to hydrogen system infrastructure. This is without prejudice to the right of Member States to revoke these authorisations if the hydrogen infrastructure**	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			does not comply with technical safety rules for hydrogen system infrastructure set out in Union or national law ~~pipelines and other network assets used for the transport of natural gas shall apply also to pipelines and network assets for the transport of hydrogen~~.	
Article 7(8)				
293	8. Member States shall ensure that existing contractual land-use rights for the construction and operation of natural gas pipelines and other network assets shall be understood as encompassing also pipelines and other network assets for the transport of hydrogen.	8. Member States shall ensure that existing contractual land-use rights for the construction and operation of natural gas pipelines and other network assets shall be understood as encompassing also pipelines and other network assets for the transport of hydrogen.	8. Member States shall ensure that existing ~~contractual~~ land-use rights for the construction and operation of natural gas pipelines and other network assets shall be ~~understood as encompassing also~~ **also applied to** pipelines and other network assets for the transport of hydrogen.	
293a			**8a. In the event of a transfer of infrastructure ownership within the same undertaking to meet the requirements of Article 63, the authorisations pertaining to that infrastructure shall equally be transferred to the new owner.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(9)				
294	9. Member States shall ensure that the reasons for any refusal to grant an authorisation are objective and non-discriminatory and that they are given to the applicant. Reasons for such refusals shall be notified to the Commission for information. Member States shall establish a procedure enabling the applicant to appeal against such refusals.	9. Member States shall ensure that the reasons for any refusal to grant an authorisation are objective and non-discriminatory and that they are given to the applicant. Reasons for such refusals shall be notified to the Commission for information. Member States shall establish a procedure enabling the applicant to appeal against such refusals.	9. Member States shall ensure that the reasons for any refusal to grant an authorisation are objective and non-discriminatory and that they are given to the applicant. Reasons for such refusals shall be notified to the Commission for information. Member States shall establish a procedure enabling the applicant to appeal against such refusals.	
Article 7(10)				
295	10. For the development of newly supplied areas and efficient operation generally, and without prejudice to Article 30, Member States may decline to grant a further authorisation to build and operate distribution pipeline systems for natural gas in any particular area once such pipeline systems have been or are authorised to be built in that area and if existing or proposed capacity is not saturated.	10. For the development of newly supplied areas and efficient operation generally, and without prejudice to Article 30, Member States ***shall*** decline to grant a further authorisation to build and operate distribution pipeline systems for natural gas in any particular area ***unless established in the distribution network development plan prepared pursuant to Article 52b or the capacity was identified in the network development plan referred to in Article 51*** once such pipeline systems have been or are authorised to be built in that area	10. For the development of newly supplied areas and efficient operation generally, and without prejudice to Article 30, Member States may decline to grant a further authorisation to build and operate distribution pipeline systems for natural gas in any particular area once such pipeline systems have been or are authorised to be built in that area and if existing or proposed capacity is not saturated.	*While we are generally supportive of the aim shared with EP to avoid any further expansion of the natural gas system, « may decline» should be retained.* *Should a compromise on Art. 51, 52b be reached, wording can be adapted accordingly*

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		and if existing or proposed capacity is not saturated.		
Article 8				
296	Article 8 Certification of renewable and low carbon fuels	Article 8 Certification of renewable ***fuels and low-carbon*** fuels	Article 8 Certification of renewable and low carbon fuels	
Article 8(1)				
297	1. Renewable gases shall be certified in accordance with Articles 29 and 30 of Directive (EU) 2018/2001.	1. Renewable ***gas*** shall be certified in accordance with Articles 29***, 29a*** and 30 of Directive (EU) 2018/2001 ***[amended RED]***.	1. **For the purposes of certification of** renewable ~~gases~~**and low carbon fuels, Member States** shall ~~be certified in accordance with Articles 29 and 30~~**require economic operators to show that the conditions for renewable gases set out in Article 25(2) and 29** of Directive (EU) 2018/2001 **are complied with. Compliance with those sustainability and greenhouse gas saving criteria shall be demonstrated in accordance with Article 30 of that Directive**.	*Open in principle to inclusion also of reference to Art. 29a*
Article 8(2)				
298	2. In order to ensure that the greenhouse gas emissions savings	2. In order to ensure that the greenhouse gas emissions savings	2. In order to ensure that the greenhouse gas emissions savings	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	from the use of low carbon fuels and low carbon hydrogen are at least 70% in accordance with the definitions in Article 2, points (10) and (12), Member States shall require economic operators to show that this threshold and the requirements established in the methodology referred to in paragraph 5 of this Article have been complied with. For those purposes, they shall require economic operators to use a mass balance system in line with Article 30 (1) and (2) of Directive (EU) 2018/2001.	from the use of ***low-carbon*** fuels and ***low-carbon*** hydrogen are at least 70% in accordance with the definitions in Article 2, points (10) and (12), Member States shall require economic operators to show that this threshold and the requirements established in the methodology referred to in paragraph 5 of this Article have been complied with. For those purposes, they shall require economic operators to use a mass balance system in line with Article ***30(1)*** and (2) of Directive (EU) 2018/2001.	from the use of low carbon fuels and low carbon hydrogen are at least 70% in accordance with the definitions in Article 2, points (10) and (12), Member States shall require economic operators to show that this threshold and the requirements established in the methodology referred to in paragraph 5 of this Article have been complied with. For those purposes, they shall require economic operators to use a mass balance system in line with Article 30 (1) and (2) of Directive (EU) 2018/2001.	
Article 8(3)				
299	3. Member States shall ensure that economic operators submit reliable information regarding the compliance with the 70% greenhouse gas emissions savings threshold set in paragraph 2 and with the greenhouse gas emissions saving methodology referred to in paragraph 5, and that economic operators make available to the relevant Member State, upon request, the data that were used to develop the information. Member States shall require economic	3. Member States shall ensure that economic operators submit reliable information regarding the compliance with the ***70 %*** greenhouse gas emissions savings threshold set in paragraph 2 and with the greenhouse gas emissions saving methodology referred to in paragraph 5, and that economic operators make available to the relevant Member State, upon request, the data that were used to develop the information. Member States shall require economic	3. Member States shall ensure that economic operators submit reliable information regarding the compliance with the 70% greenhouse gas emissions savings threshold set in paragraph 2 and with the greenhouse gas emissions saving methodology referred to in paragraph 5, and that economic operators make available to the relevant Member State, upon request, the data that were used to develop the information. Member States shall require economic	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	operators to put in place an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud.	operators to put in place an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud.	operators to put in place an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud.	
Article 8(4)				
300	4. The obligations laid down in paragraph 2 shall apply regardless of whether low carbon fuels are produced within the Union or are imported. Information about the geographic origin and feedstock type of low carbon fuels or low carbon hydrogen per fuel supplier shall be made available to consumers on the websites of operators, suppliers or the relevant competent authorities and shall be updated on an annual basis.	4. The obligations laid down in paragraph 2 shall apply regardless of whether ***low-carbon*** fuels are produced within the Union or are imported. Information about the geographic origin***, recognition that the energy content is derived from non-renewable sources, the level of the GHG emissions reduction achieved*** and feedstock type of ***low-carbon*** fuels or ***low-carbon*** hydrogen per fuel supplier shall be made available to consumers on the websites of operators, suppliers or the relevant competent authorities and shall be updated on an annual basis.	4. The obligations laid down in paragraph 2 shall apply regardless of whether low carbon fuels are produced within the Union or are imported. Information about the geographic origin and feedstock type of low carbon fuels or low carbon hydrogen per fuel supplier shall be made available to consumers on the websites of operators, suppliers or the relevant competent authorities and shall be updated on an annual basis.	
Article 8(5)				
301				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	5. By 31 December 2024, the Commission shall adopt delegated acts in accordance with Article 83 to supplement this Directive by specifying the methodology for assessing greenhouse gas emissions savings from low carbon fuels. The methodology shall ensure that credit for avoided emissions is not given for carbon dioxide the capture of which has already received an emission credit under other provisions of law.	5. By ***... [six months after the date of entry into force of this Directive]***, the Commission shall adopt delegated acts in accordance with Article 83 to supplement this Directive by specifying the methodology for assessing greenhouse gas emissions savings from ***low-carbon fuels, except for recycled*** carbon fuels ***as defined in Article 2, second subparagraph, point (35) of Directive (EU) 2018/2001 [amended RED]. The GHG emission savings from the use of low-carbon fuels shall be at least 70 % relative to a fossil fuel comparator with a threshold of 94 gCO2eq/MJ and based on their life-cycle emissions taking into account the methodology used to determine the GHG emissions savings in accordance with Article 25(2) and Article 28(5) of Directive (EU) 2018/2001. To ensure comparable GHG emission savings across sectors, the Commission may, after conducting an impact assessment, differentiate between fossil fuel comparators in order to distinguish between end-use sectors. The methodology shall define clear, credible, science-***	5. ~~By 31 December 2024~~**Within 12 months of entry into force of this Directive**, the Commission shall adopt delegated acts in accordance with Article 83 to supplement this Directive by specifying the methodology for assessing greenhouse gas emissions savings from low carbon fuels. The methodology shall ensure that credit for avoided emissions is not given for carbon dioxide the capture of which has already received an emission credit under other provisions of law **and shall be consistent with the methodology for assessing greenhouse gas emissions savings from renewable liquid and gaseous transport fuels of non-biological origin and from recycled carbon fuels**.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		based and realistic minimum carbon capture rates and upstream methane emissions performance standards that are in line with the relevant provisions referred to in Regulation (EU) ..../... of the European Parliament and the Council[28+] and take into account best available performance standards and industry initiatives which aim to eliminate its methane footprint and how low-carbon fuels shall comply with them. The methodology shall ensure that credit for avoided emissions is not given for carbon dioxide the capture of which has already received an emission credit under other provisions of law. _____ ***28. Regulation (EU) .../... of the European Parliament and of the Council of ... on methane emissions reduction in the energy sector and amending Regulation (EU) 2019/942 (OJ L ...).*** ***+. OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2021/0423(COD)) and insert the number, date, title and OJ reference of that Regulation in the footnote.***		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
301a		***5a. The Commission is empowered to adopt delegated acts in accordance with Article 83 to amend this Directive by adapting the threshold referred to in paragraph 5 of this Article for low-carbon fuels produced in installations starting operations from 1 January 2031. The Commission shall avoid the double counting of recycled carbon fuels.***		*Open to EP amendment*
301b		***5b. By ... [six months after the date of entry into force of this Directive], the Commission shall submit a report to the European Parliament and to the Council that evaluates hydrogen leakage, including environmental and climate risks, technical specificities and adequate maximum hydrogen leakage rates. On the basis of that report, the Commission shall, if appropriate, submit a legislative proposal to introduce measures to minimise possible risks of hydrogen leakage, set maximum hydrogen leakage rates and***		*Open to EP amendment*

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		compliance mechanisms. Relevant maximum hydrogen leakage rates shall be included in the methodology referred to in paragraph 5.		
Article 8(6)				
302	6. The Commission may decide that voluntary national or international schemes setting standards for the production of low carbon fuels or low carbon hydrogen provide accurate data on greenhouse gas emission savings for the purposes of this Article and demonstrate compliance with the methodology referred to in paragraph 5 of this Article.	6. The Commission may decide that voluntary national or international schemes setting standards for the production of ***low-carbon*** fuels or ***low-carbon*** hydrogen provide accurate data on greenhouse gas emission savings for the purposes of this Article and demonstrate compliance with the methodology referred to in paragraph 5 of this Article.	6. The Commission may decide that voluntary national or international schemes setting standards for the production of low carbon fuels or low carbon hydrogen provide accurate data on greenhouse gas emission savings for the purposes of this Article and demonstrate compliance with the methodology referred to in paragraph 5**. The Commission shall adopt decisions only if the scheme in question meets adequate standards of reliability, transparency and independent auditing in line with the requirements set out in Regulation (EU) 2022/996 for the certification of renewable fuels** ~~of this Article~~.	
Article 8(7)				
303				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	7. Where an economic operator provides evidence or data obtained in accordance with a scheme that has been the subject of a recognition pursuant to paragraph 6, a Member State shall not require the economic operator to provide further evidence of compliance with the criteria for which the scheme has been recognised by the Commission.	7. Where an economic operator provides evidence or data obtained in accordance with a scheme that has been the subject of a recognition pursuant to paragraph 6, a Member State shall not require the economic operator to provide further evidence of compliance with the criteria for which the scheme has been recognised by the Commission.	7. Where an economic operator provides evidence or data obtained in accordance with a scheme that has been the subject of a recognition pursuant to paragraph 6, a Member State shall not require the economic operator to provide further evidence of compliance with the criteria for which the scheme has been recognised by the Commission.	
Article 8(8)				
304	8. Competent authorities of the Member States shall supervise the operation of certification bodies that are conducting independent auditing under a voluntary scheme. Certification bodies shall submit, upon the request of competent authorities, all relevant information necessary to supervise the auditing, including the exact date, time and location of audits. Where Member States find issues of non-conformity, they shall inform the voluntary scheme without delay.	8. Competent authorities of the Member States shall supervise the operation of certification bodies that are conducting independent auditing under a voluntary scheme. Certification bodies shall submit, upon the request of competent authorities, all relevant information necessary to supervise the auditing, including the exact date, time and location of audits. Where Member States find issues of non-conformity, they shall inform the voluntary scheme without delay.	8. Competent authorities of the Member States shall supervise the operation of certification bodies that are conducting independent auditing under a voluntary scheme. Certification bodies shall submit, upon the request of competent authorities, all relevant information necessary to supervise the auditing, including the exact date, time and location of audits. Where Member States find issues of non-conformity, they shall inform the voluntary scheme without delay.	
Article 8(9)				
305				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	9. At the request of a Member State, which may be based on the request of an economic operator, the Commission shall, on the basis of all available evidence, examine whether the greenhouse gas emissions saving criteria laid down in this Article, the methodology developed in line with paragraph 5 of this Article, and the greenhouse gas emissions savings thresholds set in Article 2, points (9) and (10) have been met. Within six months of receipt of such a request, the Commission shall decide whether the Member State concerned may:	9. At the request of a Member State, which may be based on the request of an economic operator, the Commission shall, on the basis of all available evidence, examine whether the greenhouse gas emissions saving criteria laid down in this Article, the methodology developed in line with paragraph 5 of this Article, and the greenhouse gas emissions savings thresholds set in Article 2, points (9) and (10) have been met. Within six months of receipt of such a request, the Commission shall decide whether the Member State concerned may:	9. At the request of a Member State, which may be based on the request of an economic operator, the Commission shall, on the basis of all available evidence, examine whether the greenhouse gas emissions saving criteria laid down in this Article, the methodology developed in line with paragraph 5 of this Article, and the greenhouse gas emissions savings thresholds set in Article 2, points ~~(9)~~**(10), (11)** and (~~10~~**12**), have been met. Within six months of receipt of such a request, the Commission shall decide whether the Member State concerned may:	
Article 8(9), point (a)				
306	(a) accept the evidence already provided to show compliance with the greenhouse gas emissions saving criteria for low carbon fuels; or	(a) accept the evidence already provided to show compliance with the greenhouse gas emissions saving criteria for ***low-carbon*** fuels; or	(a) accept the evidence already provided to show compliance with the greenhouse gas emissions saving criteria for low carbon fuels; or	
Article 8(9), point (b)				
307	(b) by way of derogation from paragraph 7, require suppliers of the source of low carbon fuels to provide further evidence of their	(b) by way of derogation from paragraph 7, require suppliers of the source of ***low-carbon*** fuels to provide further evidence of their	(b) by way of derogation from paragraph 7, require suppliers of the source of low carbon fuels to provide further evidence of their	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	compliance with the greenhouse gas emissions saving criteria and the 70% greenhouse gas emissions savings threshold.	compliance with the greenhouse gas emissions saving criteria and the 70% greenhouse gas emissions savings threshold.	compliance with the greenhouse gas emissions saving criteria and the 70% greenhouse gas emissions savings threshold.	
Article 8(10)				
308	10. Member States shall also require the relevant economic operators to enter into the Union database information on the transactions made and the sustainability characteristics of low carbon fuels in line with the requirements established in Article 28 of Directive (EU) 2018/2001.	10. Member States shall ▌ require the relevant economic operators to enter into the Union database information on the transactions made and the sustainability characteristics of ***low-carbon*** in line with the requirements ***laid down in Articles 28 and 31a*** of Directive (EU) 2018/2001 ***[amended RED]. The interconnected gas system shall be considered to be a single mass balance system. Information about injection and withdrawal shall be provided in the Union database for gaseous fuels. The Union database shall be implemented as soon as possible and in any event by ... [the date of entry into force of this Directive]***.	10. Member States shall also require the relevant economic operators to enter into the Union database**, or national databases that are linked to the Union database,** information on the transactions made and the sustainability characteristics of **renewable gases and** low carbon fuels in line with the requirements **for renewable fuels** established in **[**Article 28 of Directive (EU) 2018/2001**]. Where guarantees of origin have been issued for the production of a consignment of low carbon gases, these shall be subject to the same rules as those set out in [Article 28 of Directive (EU) 2018/2001] for guarantees of origin issued for the production of renewable gases**.	
308a				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			11. The Commission shall adopt decisions under paragraph 6 of this Article by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 84(3). Such decisions shall be valid for a period of no more than five years.	
Article 9				
309	Article 9 Technical rules	Article 9 Technical rules	Article 9 Technical rules	
Article 9, first paragraph				
310	The regulatory authorities where Member States have so provided or Member States shall ensure that technical safety criteria are defined and that technical rules establishing the minimum technical design and operational requirements for the connection to the system of LNG facilities, storage facilities, other transmission or distribution systems, direct lines, as well as to the hydrogen system, are	The regulatory authorities where Member States have so provided or Member States shall ensure that technical safety criteria are defined and that technical rules establishing the minimum technical design and operational requirements for the connection to the system of LNG facilities, storage facilities, other transmission or distribution systems, direct lines, as well as to the hydrogen system, are	The regulatory authorities**,** where Member States have so provided**,** or Member States shall ensure that technical safety criteria are defined and that technical rules establishing the minimum technical design and operational requirements for the connection to the system of LNG facilities, storage facilities, other transmission or distribution systems, direct lines, as well as to the hydrogen system, are	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	developed and made public. Those technical rules shall ensure the interoperability of systems and shall be objective and non-discriminatory. ACER may make appropriate recommendations towards achieving compatibility of those rules, where appropriate. Those rules shall be notified to the Commission in accordance with Article 5 of Directive (EU) 2015/1535 of the European Parliament and of the Council[1]. _____ 1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).	developed and made public. Those technical rules shall ensure the interoperability of systems and shall be objective and non-discriminatory. ACER may make appropriate recommendations towards achieving compatibility of those rules, where appropriate. Those rules shall be notified to the Commission in accordance with Article 5 of Directive (EU) 2015/1535 of the European Parliament and of the Council***[29]***. _____ ***29. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).***	developed and made public. Those technical rules shall ensure the interoperability of systems and shall be objective and non-discriminatory. ACER may make appropriate recommendations towards achieving compatibility of those rules, where appropriate. Those rules shall be notified to the Commission in accordance with Article 5 of Directive (EU) 2015/1535 of the European Parliament and of the Council[1] . _____ 1. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).	
Article 9, second paragraph				
311	Where relevant, Member States shall require transmission system operators, distribution system operators and hydrogen network operators in their territory to publish technical rules in accordance with Article 9, in particular regarding network connection rules that include gas	Where relevant, Member States shall require transmission system operators, distribution system operators and hydrogen network operators in their territory to publish technical rules in accordance with Article 9, in particular regarding network connection rules that include gas	Where relevant, **the regulatory authorities, where Member States have so provided, or** Member States shall require transmission system operators, distribution system operators and hydrogen network operators in their territory to publish technical rules in accordance with Article 9,	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	quality, gas odourisation and gas pressure requirements. Member States shall also require transmission and distribution system operators to publish the connection tariffs to connect gas from renewable sources based on objective, transparent and non-discriminatory criteria.	quality, gas odourisation and gas pressure requirements. Member States shall also require transmission and distribution system operators to publish the connection tariffs to connect gas from renewable sources based on objective, transparent and non-discriminatory criteria.	in particular regarding network connection rules that include gas quality, gas odourisation and gas pressure requirements. Member States shall also require transmission and distribution system operators to publish the connection tariffs to connect gas from renewable sources based on objective, transparent and non-discriminatory criteria.	
CHAPTER III				
312	CHAPTER III CONSUMER EMPOWERMENT AND PROTECTION AND RETAIL MARKETS	CHAPTER III CONSUMER EMPOWERMENT AND PROTECTION AND RETAIL MARKETS	CHAPTER III -CONSUMER EMPOWERMENT AND PROTECTION AND RETAIL MARKETS	
Article 10				
313	Article 10 Basic contractual rights	Article 10 Basic contractual rights	Article 10 Basic contractual rights	
Article 10(1)				
314	1. Member States shall ensure that all final customers are entitled to have gases provided by a supplier, subject to the supplier's agreement, regardless of the Member State in	1. Member States shall ensure that all final customers are entitled to have ***gas*** provided by a supplier, subject to the supplier's agreement, regardless of the Member State in	1. Member States shall ensure that all final customers are entitled to have gases provided by a supplier, subject to the supplier's agreement, regardless of the Member State in	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	which the supplier is registered, provided that the supplier follows the applicable trading and balancing rules. In that regard, Member States shall take all measures necessary to ensure that administrative procedures do not discriminate against suppliers already registered in another Member State.	which the supplier is registered, provided that the supplier follows the applicable trading and balancing rules. In that regard, Member States shall take all measures necessary to ensure that administrative procedures do not discriminate against suppliers already registered in another Member State.	which the supplier is registered, provided that the supplier follows the applicable trading**, balancing and security of supply** ~~and balancing~~ rules **and requirements resulting from Article 7(2)**. In that regard, Member States shall take all measures necessary to ensure that administrative procedures do not discriminate against suppliers already registered in another Member State.	
Article 10(2)				
315	2. Without prejudice to Union rules on consumer protection, in particular Directive 2011/83/EU of the European Parliament and of the Council and Council Directive 93/13/EEC, Member States shall ensure that final customers have the rights provided for in paragraphs 3 to 12 of this Article.	2. Without prejudice to Union rules on consumer protection, in particular Directive 2011/83/EU of the European Parliament and of the Council and Council Directive 93/13/EEC, Member States shall ensure that final customers have the rights provided for in paragraphs 3 to 12 of this Article.	2. Without prejudice to Union rules on consumer protection, in particular Directive 2011/83/EU of the European Parliament and of the Council and Council Directive 93/13/EEC, Member States shall ensure that final customers have the rights provided for in paragraphs 3 to ~~12~~**11** of this Article.	
Article 10(3), first subparagraph				
316	3. Final customers shall have the right to a contract with their supplier that specifies:	3. Final customers shall have the right to a contract with their supplier that specifies:	3. Final customers shall have the right to a contract with their supplier that specifies:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 10(3), first subparagraph, point (a)				
317	(a) the identity and address of the supplier;	(a) the identity***, address and contact details (phone number, email*** address ***and its customer service's contact details)*** of the supplier;	(a) the identity and address of the supplier;	*EP amendment makes sense w regard to mirroring Electricity Directive.*
Article 10(3), first subparagraph, point (b)				
318	(b) the services provided, the service quality levels offered, as well as the time for the initial connection;	(b) the services provided, the service quality levels offered, as well as the time for the initial connection;	(b) the services provided, the service quality levels offered, as well as the time for the initial connection;	
Article 10(3), first subparagraph, point (c)				
319	(c) the types of maintenance service offered;	(c) the types of maintenance service offered;	(c) the types of maintenance service offered;	
Article 10(3), first subparagraph, point (d)				
320	(d) the means by which up-to-date information on all applicable tariffs, maintenance charges and bundled products or services may be obtained;	(d) the means by which up-to-date information on all applicable tariffs, maintenance charges and bundled products or services may be obtained;	(d) the means by which up-to-date information on all applicable tariffs, maintenance charges and bundled products or services may be obtained;	
Article 10(3), first subparagraph, point (e)				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
321	(e) the duration of the contract, the conditions for renewal and termination of the contract and services, including products or services that are bundled with those services, and whether terminating the contract without charge is permitted;	(e) the duration of the contract, the conditions for renewal and termination of the contract and services, including products or services that are bundled with those services, and whether terminating the contract without charge is permitted;	(e) the duration of the contract, the conditions for renewal and termination of the contract and services, including products or services that are bundled with those services, and whether terminating the contract without charge is permitted;	
Article 10(3), first subparagraph, point (f)				
322	(f) any compensation and the refund arrangements which apply if contracted service quality levels are not met, including inaccurate or delayed billing;	(f) any compensation and the refund arrangements which apply if contracted service quality levels are not met, including inaccurate or delayed billing;	(f) any compensation and the refund arrangements which apply if contracted service quality levels are not met, including inaccurate or delayed billing;	
322a		***(fa) the product name and its main features, including, where the environmental impact is promoted as an essential feature of the offer, a description of this environmental impact, at least in respect of CO2 emissions resulting from the gas supplied by the supplier over the preceding year;***		*Sceptical : unclear value addded*
Article 10(3), first subparagraph, point (g)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
323	(g) the method of initiating an out-of-court dispute settlement procedure in accordance with Article 24;	(g) the method of initiating an out-of-court dispute settlement procedure in accordance with Article 24;	(g) the method of initiating an out-of-court dispute settlement procedure in accordance with Article 24;	
Article 10(3), first subparagraph, point (h)				
324	(h) information relating to consumer rights, including information on complaint handling and all the information referred to in this paragraph, clearly communicated on the bill or the hydrogen or natural gas undertaking's web site.	(h) information relating to consumer rights, including ***clear and understandable*** information on complaint handling and ***how and where a complaint can be submitted and*** all the information referred to in this paragraph, clearly communicated on the bill or the hydrogen or natural gas undertaking's web site***;***	(h) information relating to consumer rights, including information on complaint handling and all the information referred to in this paragraph, clearly communicated on the bill or the hydrogen or natural gas undertaking's web site.	
324a		***(ha) information on the provider and the price of additional services, where relevant, such as insurance and energy efficiency services.***		
Article 10(3), second subparagraph				
325	Conditions shall be fair and well known in advance. In any case, the	***The contractual*** conditions shall be fair and well known in advance.	Conditions shall be fair and well known in advance. In any case, the	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	information shall be provided prior to the conclusion or confirmation of the contract. Where contracts are concluded through intermediaries, the information referred to points (a) to (f) shall also be provided prior to the conclusion of the contract.	In any case, the information shall be provided ***in consumer friendly, clear and unambiguous language,*** prior to the conclusion or confirmation of the contract. Where contracts are concluded through intermediaries, the information referred to points (a) to (f) shall also be provided prior to the conclusion of the contract.	information shall be provided prior to the conclusion or confirmation of the contract. Where contracts are concluded through intermediaries, the information ~~referred to points (a) to (f)~~ **relating to the matters set out in this paragraph** shall also be provided prior to the conclusion of the contract.	
Article 10(3), third subparagraph				
326	Final customers shall be provided with a summary of the key contractual conditions in a prominent manner and in concise and simple language.	Final customers shall be provided with a summary of the key contractual conditions in a prominent manner ***in a single document*** and in concise and simple language. ***Member States shall ensure, through their regulatory authorities, the use of common terminology agreed at national level.***	Final customers shall be provided with a summary of the key contractual conditions in a prominent manner and in concise and simple language. **The Commission shall provide non-binding guidance in this regard.**	*Uphold Council text*
Article 10(4)				
327	4. Final customers shall be given adequate notice of any intention to modify contractual conditions and shall be informed about their right to terminate the contract when the	4. Final customers shall be given adequate notice of any intention to modify contractual conditions and shall be informed about their right to terminate the contract when the	4. Final customers shall be given adequate notice of any intention to modify contractual conditions and shall be informed about their right to terminate the contract when the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	notice is given. Suppliers shall notify their final customer directly and in a transparent and comprehensible manner, of any adjustment in the supply price and of the reasons and preconditions for the adjustment and its scope, no later than two weeks, or no later than one month in the case of household customers, before the adjustment comes into effect. Member States shall ensure that final customers are free to terminate contracts if they do not accept the new contractual conditions or adjustments in the supply price notified to them by their supplier.	notice is given. Suppliers shall notify their final customer directly and in a transparent and comprehensible manner, of any adjustment in the supply price and of the reasons and preconditions for the adjustment and its scope, no later than two weeks, or no later than one month in the case of household customers, before the adjustment comes into effect. Member States shall ensure that final customers are free to terminate contracts if they do not accept the new contractual conditions or adjustments in the supply price notified to them by their supplier.	notice is given. Suppliers shall notify their final customer directly and in a transparent and comprehensible manner~~,~~ of any adjustment in the supply price and of the reasons and preconditions for the adjustment and its scope, no later than two weeks, or no later than one month in the case of household customers, before the adjustment comes into effect. Member States shall ensure that final customers are free to terminate contracts if they do not accept the new contractual conditions or adjustments in the supply price notified to them by their supplier.	
Article 10(5)				
328	5. Suppliers shall provide final customers with transparent information on applicable prices and tariffs and on standard terms and conditions, in respect of access to and use of gases services.	5. Suppliers shall provide final customers with transparent information on applicable prices**,** tariffs**,** standard terms and conditions, in respect of access to and use of ***gas services, in particular whether the price is fixed or variable and, if relevant, on possible promotions or discounts, and additional products and/or services bundled with the gas*** services.	5. Suppliers shall provide final customers with transparent information on applicable prices and tariffs and on standard terms and conditions, in respect of access to and use of gases services.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
328a		***5a. Member States, through their regulatory authorities, shall ensure that key contractual information is identified and highlighted within the offers provided by the suppliers to the costumers and shall monitor and report on transparency of market offers.***		*EP amendment should be checked with regard to existing rules to the same end*
Article 10(6)				
329	6. Suppliers shall offer final customers a wide choice of payment methods. Such payment methods shall not unduly discriminate between customers. Any difference in charges related to payment methods or prepayment systems shall be objective, non-discriminatory and proportionate and shall not exceed the direct costs borne by the payee for the use of a specific payment method or a prepayment system, in accordance with Article 62 of Directive (EU) 2015/2366 of the European Parliament and of the Council[1].	6. Suppliers shall offer final customers a wide choice of payment methods. Such payment methods shall not ▌ discriminate between customers. Any difference in charges related to payment methods or prepayment systems shall be objective, non-discriminatory and proportionate and shall not exceed the direct costs borne by the payee for the use of a specific payment method or a prepayment system, in accordance with Article 62 of Directive (EU) 2015/2366 of the European Parliament and of the Council***[30]***.	6. Suppliers shall offer final customers a wide choice of payment methods. Such payment methods shall not unduly discriminate between customers. Any difference in charges related to payment methods or prepayment systems shall be objective, non-discriminatory and proportionate and shall not exceed the direct costs borne by the payee for the use of a specific payment method or a prepayment system, in accordance with Article 62 of Directive (EU) 2015/2366 of the European Parliament and of the Council[1].	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	_____ 1. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015).	_____ ***30. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015).***	_____ 1. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015).	
Article 10(7)				
330	7. Household customers who have access to prepayment systems shall not be placed at a disadvantage by the prepayment systems.	7. Household customers who have access to prepayment systems shall not be placed at a disadvantage by the prepayment systems.	7. Household customers who have access to prepayment systems shall not be placed at a disadvantage by the prepayment systems.	
Article 10(8)				
331	8. Suppliers shall offer final customers fair and transparent general terms and conditions, which shall be provided in plain and unambiguous language and shall not include non-contractual barriers to the exercise of customers' rights, such as excessive contractual documentation. Customers shall be protected against unfair or misleading selling methods.	8. Suppliers shall offer final customers fair and transparent general terms and conditions, which shall be provided in plain and unambiguous language and shall not include non-contractual barriers to the exercise of customers' rights, such as excessive contractual documentation. Customers shall be protected against unfair or misleading selling methods.	8. Suppliers shall offer final customers fair and transparent general terms and conditions, which shall be provided in plain and unambiguous language and shall not include non-contractual barriers to the exercise of customers' rights, such as excessive contractual documentation. Customers shall be protected against unfair or misleading selling methods.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 10(9)				
332	9. Final customers shall have the right to a good standard of service and complaint handling by their suppliers. Suppliers shall handle complaints in a simple, fair and prompt manner.	9. Final customers shall have the right to a good standard of service and complaint handling by their suppliers. Suppliers shall handle complaints in a simple, fair and prompt manner.	9. Final customers shall have the right to a good standard of service and complaint handling by their suppliers. Suppliers shall handle complaints in a simple, fair and prompt manner.	
Article 10(10)				
333	10. Suppliers shall provide natural gas household customers with adequate information on alternative measures to disconnection sufficiently in advance of any planned disconnection. Such alternative measures may include information about sources of support to avoid disconnection, prepayment systems, energy audits, energy consultancy services, alternative payment plans, debt management advice or disconnection moratoria and shall not entail an extra cost to the customers facing disconnection.	***9a***. Suppliers shall provide natural gas household customers with adequate information on alternative measures to disconnection sufficiently in advance of any planned disconnection. Such alternative measures ***shall*** include information about sources of support to avoid disconnection, prepayment systems, energy audits, energy consultancy services, alternative payment plans, debt management advice or disconnection moratoria and shall not entail an extra cost to the customers facing disconnection.	10. Suppliers shall provide natural gas household customers with adequate information on alternative measures to **avoid** disconnection sufficiently in advance of any planned disconnection. Such alternative measures may include information about sources of support to avoid disconnection, prepayment systems, energy audits, energy consultancy services, alternative payment plans, debt management advice or disconnection moratoria and shall not entail an extra cost to the customers facing disconnection.	Retain Council wording (« may ») as measures are only examples.
333a				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Member States shall prohibit disconnections in the case of vulnerable household customers and customers affected by or at risk of energy poverty who use natural gas for heating during the winter. Member States may extend that prohibition to non-household customers.		*Cannot support EP mandatory rule* *Compare to new wording in EMD : « Vulnerable customers should be adequately protected from electricity disconnections ».* *Member States should be free to choosefrom variety of measures to protect consumers from disconnections. Simple prohibting of disconnections is not proportionate*
333b		***Member States shall ensure that disconnections are prohibited during ongoing judicial or out-of-court disputes between the supplier and customers for a period of eight weeks.***		*As before*
Article 10(11)				
334	11. Suppliers shall provide final customers with a final closure account after any switch of supplier no later than six weeks after such a switch has taken place.	11. Suppliers shall provide final customers with a final closure account after any switch of supplier no later than six weeks after such a switch has taken place.	11. Suppliers shall provide final customers with a final closure account after any switch of supplier no later than six weeks after such a switch has taken place.	
Article 11				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
335	Article 11 Right to switch and rules on switching-related fees	Article 11 Right to switch and rules on switching-related fees	Article 11 Right to switch and rules on switching-related fees	
Article 11(1)				
336	1. Customers shall have the right to switch gases suppliers or market participants. Member States shall ensure that a customer wishing to switch suppliers or market participants, while respecting contractual conditions, is entitled to such a switch within a maximum of three weeks from the date of the request. By 2026 at the latest, the technical process of switching supplier or market participant shall take no longer than 24 hours and shall be possible on any working day.	1. Customers shall have the right to switch ***gas*** suppliers or market participants. Member States shall ensure that a customer wishing to switch suppliers or market participants, while respecting contractual conditions, is entitled to such a switch within ***the shortest possible time, and in any case not later than*** three weeks ***after*** the date of the request. By 2026 at the latest, the technical process of switching supplier or market participant shall take no longer than 24 hours and shall be possible on any working day.	1. Customers shall have the right to switch gases suppliers or market ~~participants~~**participant**. Member States shall ensure that a customer wishing to switch suppliers or market participants, while respecting contractual conditions, is entitled to such a switch within a maximum of three weeks from the date of the request. By **1 January** 2026 at the latest, the technical process of switching supplier or market participant shall take no longer than 24 hours and shall be possible on any working day.	
Article 11(2)				
337	2. Member States shall ensure that the right to switch supplier or market participant is granted to customers in a non-discriminatory manner as regards cost, effort and time.	2. Member States shall ensure that the right to switch supplier or market participant is granted to ***all*** customers in a non-discriminatory manner as regards cost, effort and time.	2. Member States shall ensure that the right to switch supplier or market participant is granted to customers in a non-discriminatory manner as regards cost, effort and time.	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 11(3), first subparagraph				
338	3. Member States shall ensure that at least household customers and small enterprises are not charged any switching-related fees for gases. However Member States may allow suppliers or market participants to charge customers contract termination fees where those customers voluntarily terminate fixed-term, fixed-price supply contracts before their maturity, provided that such fees:	3. Member States shall ensure that at least household customers***, including those that accepted an offer to provide gas services which is bundled with the provision of related equipment or services, and microenterprises*** and small enterprises are not charged any switching-related fees for ***gas***. However Member States may allow suppliers or market participants to charge customers contract termination fees where those customers voluntarily terminate fixed-term, fixed-price supply contracts before their maturity, provided that such fees:	3. Member States shall ensure that at least household customers and small enterprises are not charged any switching-related fees for gases. However Member States may allow suppliers or market participants to charge customers contract termination fees where those customers voluntarily terminate fixed-term, fixed-price supply contracts before their maturity, provided that such fees:	
Article 11(3), first subparagraph, point (a)				
339	(a) are part of a contract that the customer has voluntarily entered into; and	(a) are part of a contract that the customer has voluntarily entered into; and	(a) **(a)** are part of a contract that the customer has voluntarily entered into; and	
Article 11(3), first subparagraph, point (b)				
340				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(b) are clearly communicated to the customer before the contract is entered into.	(b) are clearly communicated to the customer before the contract is entered into. ▌	(b) **(b)** are clearly communicated to the customer before the contract is entered into.	
Article 11(3), second subparagraph				
341	Such fees shall be proportionate and shall not exceed the direct economic loss to the supplier or the market participant resulting from the customer's termination of the contract, including the costs of any bundled investments or services that have already been provided to the customer as part of the contract. The burden of proving the direct economic loss shall be on the supplier or market participant. The permissibility of contract termination fees shall be monitored by the regulatory authority, or by another competent national authority.	Such fees shall be proportionate and shall not exceed the direct economic loss to the supplier or the market participant resulting from the customer's termination of the contract, including the costs of any bundled investments or services that have already been provided to the customer as part of the contract. The burden of proving the direct economic loss shall be on the supplier or market participant. The permissibility of contract termination fees shall be monitored by the regulatory authority, or by another competent national authority.	Such fees shall be proportionate and shall not exceed the direct economic loss to the supplier or the market participant resulting from the customer's termination of the contract~~, including the costs of any~~**. In case of** bundled ~~investments or services that have already been provided to the customer as part of the~~**offers, customers shall be able to terminate individual services of a** contract. The burden of proving the direct economic loss shall be on the supplier or market participant. The permissibility of contract termination fees shall be monitored by the regulatory authority, or by another competent national authority.	
Article 11(4)				
342	4. Household customers for gases shall be entitled to participate in collective switching schemes.	4. Household customers for ***gas*** shall be entitled to participate in collective switching schemes.	4. Household customers for gases shall be entitled to participate in collective switching schemes.	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Member States shall remove all regulatory or administrative barriers for collective switching, and provide a framework that ensures the consumer protection to avoid any abusive practices.	Member States shall remove all regulatory or administrative barriers for collective switching, and provide a framework that ensures the consumer protection to avoid any abusive practices.	Member States shall remove all regulatory or administrative barriers for collective switching, and provide a framework that ensures the consumer protection to avoid any abusive practices.	
342a		***4a. Member States shall ensure that user-friendly information is provided to citizens in relation to the rules and process for switching suppliers in their Member State together with any relevant information about the switching as appropriate, including through the single points of contact referred to in Article 23***		
Article 11(5)				
342b			**5. Member States shall ensure that customers are granted the right to terminate their gas supply contracts at short notice.**	
342c			**Article 11a**	

Public

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Consumer rights and protection in relation to the phasing out of natural gas	
342d			**1. Where the disconnection of network users pursuant to Article 34(4) is allowed, Member States shall ensure that:**	
342e			**(a) the affected network users and other relevant stakeholders, notably consumer organisations, have been consulted;**	
342f			**(b) network users and relevant stakeholders are informed sufficiently in advance of the planned date and subsequent steps for disconnection;**	
342g			**(c) final customers have access to information and appropriate**	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			advice on sustainable heating options through the one stop shop procedure established in accordance with Article 21 of the of Directive (EU) .../... [recast EED];	
342h			**(d) when planning and carrying out the phase out of natural gas, specific needs of vulnerable customers or customers affected by energy poverty are duly taken into account.**	
342i		***Article 11a*** ***Fuel switch***		
342j		***1. Where final customers are required to switch from heating with natural gas to alternative heat sources or district heating, including upon a decision stemming from a Member State, on the basis of the local heating and cooling plans prepared***		*Keep Council version of Art. 11a*

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		pursuant to Article 52a or the distribution network development plans referred to in Article 52b, Member States shall ensure that final customers that are directly concerned by that decision are fully informed by the distribution system operators and suppliers of those fuel switches sufficiently in advance of any planned switch.		
342k		***2. Member States shall ensure that final customers are fully informed about mandatory switches from non-gaseous fossil fuels by the relevant organisation or authority.***		*As before*
342l		***3. Member States shall, assisted by the relevant operators and suppliers, provide final customers with a roadmap for the switch from heating with natural gas to alternative heat sources or district heating, including the procedure how this will be done, what steps are planned, and the relevant timeline.***		*As before*

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
342m		***4. Member States shall ensure that final customers receive information on options to prepare or adapt their homes, commercial or industrial properties and processes and on advisory assistance, financial support and any assistance available to manage the changes and costs associated with the planned fuel switch or a district heating connection. That information should be delivered by single points of contact as established under Article 21 of Directive (EU) .../...[+] , Article 26 of Directive (EU) …/… of the European Parliament and of the Council[++31] and Article [x] of Directive (EU) 2018/2001 [amended RED].***		A*s before*

+. OJ: Please insert in the text the number of the Directive contained in document PE-CONS .../... (2021/0203(COD)).
++. OJ: Please insert in the text the number of the Directive contained in document PE-CONS .../... (2021/0426(COD)) and insert the number, date, title and OJ reference of that Directive in the footnote.

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		31. Directive (EU) .../... of the European Parliament and of the Council of ... on the energy performance of buildings (OJ L ...).		
342n		***5. Discrimination and cross-subsidisation between different categories of customers and between energy carriers shall be avoided when carrying out a fuel switch or a district heating connection.***		A*s before*
342o		***6. Member States shall ensure that measures are put in place to mitigate and resolve any inequities resulting from policies aiming to achieve an energy efficient and climate neutral energy system.***		*Content of paras 6 and 7 should not be in mandatory separate paragraphs but added to para 1 « ...while mitigating...and avoiding... »*
342p		***7. Member States shall take all measures necessary to ensure that fuel switches or district heating connections implemented pursuant to this Article have no***		*See before*

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		adverse effect on final customers, vulnerable customers, customers affected by or at risk of energy poverty and people who live in social housing. Where applicable, Member States shall make the best possible use of funding, including public funding and funding facilities established at Union level, with the aim of removing adverse effects and ensuring a just and inclusive energy transition.		
Article 12				
343	Article 12 Comparison tools	Article 12 Comparison tools	Article 12 Comparison tools **for natural gas**	
Article 12(1), first subparagraph				
344	1. Member States shall ensure that at least natural gas household customers, and microenterprises, have access, free of charge, to at least one tool comparing the offers of suppliers, including bundled offers. Customers shall be informed of the availability of such tools in or together with their bills or by other means. The tools	1. Member States shall ensure that at least natural gas household customers, ***small enterprises*** and microenterprises, have access, free of charge, to at least one tool comparing the offers of suppliers, including bundled offers. Customers shall be informed of the availability of such tools in or together with their bills or by other	1. Member States shall ensure that at least natural gas household customers~~,~~ and microenterprises~~,~~ **with an expected yearly consumption of below 100 000 kWh** have access, free of charge, to at least one tool comparing the offers of suppliers, including bundled offers. Customers shall be informed of the availability of such tools in or together with their	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall meet at least the following requirements:	means. The tools shall meet at least the following requirements:	bills or by other means. The tools shall meet at least the following requirements:	
Article 12(1), first subparagraph, point (a)				
345	(a) they shall be independent from market participants and ensure that natural gas undertakings are given equal treatment in search results;	(a) they shall be independent from market participants and ensure that natural gas undertakings are given equal treatment in search results;	(a) they shall be independent from market participants and ensure that natural gas undertakings are given equal treatment in search results;	
Article 12(1), first subparagraph, point (b)				
346	(b) they shall clearly disclose their owners and the natural or legal person operating and controlling the tools, as well as information on how the tools are financed;	(b) they shall clearly disclose their owners and the natural or legal person operating and controlling the tools, as well as information on how the tools are financed;	(b) they shall clearly disclose their owners and the natural or legal person operating and controlling the tools, as well as information on how the tools are financed;	
Article 12(1), first subparagraph, point (c)				
347	(c) they shall set out clear and objective criteria on which the comparison is to be based, including services, and disclose them;	(c) they shall set out clear and objective criteria on which the comparison is to be based, including services, and disclose them;	(c) they shall set out clear and objective criteria on which the comparison is to be based, including services, and disclose them;	
Article 12(1), first subparagraph, point (d)				
348				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(d) they shall use plain and unambiguous language;	(d) they shall use plain and unambiguous language;	(d) they shall use plain and unambiguous language;	
Article 12(1), first subparagraph, point (e)				
349	(e) they shall provide accurate and up-to-date information and state the time of the last update on the information;	(e) they shall provide accurate and up-to-date information and state the time of the last update on the information;	(e) they shall provide accurate and up-to-date information and state the time of the last update on the information;	
Article 12(1), first subparagraph, point (f)				
350	(f) they shall be accessible to persons with disabilities, by being perceivable, operable, understandable and robust;	(f) they shall be accessible to persons with disabilities, by being perceivable, operable, understandable and robust;	(f) they shall be accessible to persons with disabilities, by being perceivable, operable, understandable and robust;	
Article 12(1), first subparagraph, point (g)				
351	(g) they shall provide an effective procedure for reporting incorrect information on published offers;	(g) they shall provide an effective procedure for reporting incorrect information on published offers;	(g) they shall provide an effective procedure for reporting incorrect information on published offers;	
Article 12(1), first subparagraph, point (h)				
352	(h) they shall perform comparisons, while limiting the personal data requested to that strictly necessary for the comparison.	(h) they shall perform comparisons, while limiting the personal data requested to that strictly necessary for the comparison. ▌	(h) they shall perform comparisons, while limiting the personal data requested to that strictly necessary for the comparison.	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 12(1), second subparagraph				
353	Member States shall ensure that at least one tool covers the entire natural gas market. Where multiple tools cover the market, those tools shall include, as complete as practicable, a range of gas offers covering a significant part of the market and, where those tools do not completely cover the market, a clear statement to that effect, before displaying results.	Member States shall ensure that at least one tool covers the entire ▌ gas market. Where multiple tools cover the market, those tools shall include, as complete as practicable, a range of gas offers covering a significant part of the market and, where those tools do not completely cover the market, a clear statement to that effect, before displaying results.	Member States shall ensure that at least one tool covers the entire natural gas market. Where multiple tools cover the market, those tools shall include, as complete as practicable, a range of gas offers covering a significant part of the market and, where those tools do not completely cover the market, a clear statement to that effect, before displaying results.	
Article 12(2)				
354	2. The tools may be operated by any entity, including private companies and public authorities or bodies.	2. The tools may be operated by any entity, including private companies and public authorities or bodies.	2. The tools may be operated by any entity, including private companies and public authorities or bodies.	
Article 12(3)				
355	3. Member States may require comparison tools referred to in paragraph 1 to include comparative criteria relating to the nature of the services offered by the suppliers.	***2a***. Member States ***shall*** require comparison tools referred to in paragraph 1 to include comparative criteria relating to the nature of the services offered by the suppliers***, including on***	3. Member States may require comparison tools referred to in paragraph 1 to include comparative criteria relating to the nature of the services offered by the suppliers.	*Unclear value added : EP amendment should be checked with regard to existing rules to the same end*

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		whether the price is fixed or variable, the contract length, the single unit price, including all charges and taxes, and discounts, in order to allow final customers to identify the cheapest offer, and in case the environmental impact is promoted as an essential feature of the offer, a description of that environmental impact.		
355a		***When establishing those criteria, Member States shall consult relevant stakeholders, including organisations representing consumer's interests.***		
Article 12(4)				
356	4. Member States shall appoint a competent authority to be responsible for issuing trust marks for comparison tools that meet the requirements set out in paragraph 1, and for ensuring that comparison tools bearing a trust mark continue to meet those requirements. That authority shall be independent of any market	4. Member States shall appoint a competent authority to be responsible for issuing trust marks for comparison tools that meet the requirements set out in paragraph 1, and for ensuring that comparison tools bearing a trust mark continue to meet those requirements. ***To enable the competent authorities to issue trust marks, suppliers and***	4. Member States shall appoint a competent authority to be responsible for issuing trust marks for comparison tools that meet the requirements set out in paragraph 1, and for ensuring that comparison tools bearing a trust mark continue to meet those requirements. That authority shall be independent of any market	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	participants and comparison tool operators.	***relevant intermediaries shall provide them with all available current and past offers. In particular, competent authorities shall carry out regular reviews of price comparison tools bearing a trust mark to ensure that the requirements of paragraphs 1 and 3 continue to be met. That competent*** authority shall be independent of any market participants and comparison tool operators.	participants and comparison tool operators.	
Article 12(5)				
357	5. Any tool comparing the offers of market participants shall be eligible to apply for a trust mark in accordance with this Article on a voluntary and non-discriminatory basis.	5. Any tool comparing the offers of market participants shall be eligible to apply for a trust mark in accordance with this Article on a voluntary and non-discriminatory basis.	5. Any tool comparing the offers of market participants shall be eligible to apply for a trust mark in accordance with this Article on a voluntary and non-discriminatory basis.	
Article 12(6)				
358	6. By way of derogation from paragraphs 4 and 5, Member States may choose not to provide for the issuance of trust marks to comparison tools if a public authority or body provides a comparison tool that meets the	6. By way of derogation from paragraphs 4 and 5, Member States may choose not to provide for the issuance of trust marks to comparison tools if a public authority or body provides a comparison tool that meets the	6. By way of derogation from paragraphs 4 and 5, Member States may choose not to provide for the issuance of trust marks to comparison tools if a public authority or body provides a comparison tool that meets the	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	requirements set out in paragraph 1.	requirements set out in paragraph 1.	requirements set out in paragraph 1.	
Article 13				
359	Article 13 Active customers	Article 13 Active customers	Article 13 Active customers **on the natural gas market**	
Article 13(1)				
360	1. Member States shall ensure that final customers are entitled to act as active customers without being subject to disproportionate or discriminatory technical requirements, administrative requirements, procedures and charges, and to network charges that are not cost-reflective.	1. Member States shall ensure that final customers***, in particular from the agricultural or public sector, while maintaining their rights as final customers as established in this Directive,*** are entitled to act as active customers without being subject to disproportionate or discriminatory technical requirements, administrative requirements, procedures and charges, and to network charges that are not cost-reflective. ***Member States shall ensure that active customers comply with applicable sustainability and greenhouse gas emissions savings criteria under Article 29 of Directive (EU) 2018/2001 [amended RED] and***	1. Member States shall ensure that final customers are entitled to act as active customers without being subject to disproportionate or discriminatory technical requirements, administrative requirements, procedures and charges, and to network charges that are not cost-reflective.	*Uphold Council version*

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		the relevant provisions on methane emissions in Regulation (EU) .../... [+]. _____ ***+. OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2021/0423(COD)).***		
Article 13(2)				
361	2. Member States shall ensure that active customers are:	2. Member States shall ensure that active customers are:	2. Member States shall ensure that active customers are:	
Article 13(2), point (a)				
362	(a) entitled to operate directly;	(a) entitled to operate directly;	(a) entitled to operate directly;	
Article 13(2), point (b)				
363	(b) entitled to sell self-produced renewable natural gases using the natural gas system;	(b) entitled to sell self-produced renewable natural ***gas*** using the natural gas system;	(b) entitled to sell self-produced renewable natural gases using the natural gas system;	
Article 13(2), point (c)				
364	(c) entitled to participate in energy efficiency schemes;	(c) entitled to participate in energy efficiency schemes;	(c) entitled to participate in energy efficiency **and demand shifting** schemes;	
Article 13(2), point (d)				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
365	(d) entitled to delegate to a third party the management of the installations required for their activities, including installation, operation, data handling and maintenance, without that third party being considered to be an active customer;	(d) entitled to delegate to a third party the management of the installations required for their activities, including installation, operation, data handling and maintenance, without that third party being considered to be an active customer;	(d) entitled to delegate to a third party the management of the installations required for their activities, including installation, operation, data handling and maintenance, without that third party being considered to be an active customer;	
Article 13(2), point (e)				
366	(e) subject to cost-reflective, transparent and non-discriminatory network charges, ensuring that they contribute in an adequate and balanced way to the overall cost sharing of the system;	(e) subject to cost-reflective, transparent and non-discriminatory network charges, ensuring that they contribute in an adequate and balanced way to the overall cost sharing of the system;	(e) subject to cost-reflective, transparent and non-discriminatory network charges, ensuring that they contribute in an adequate and balanced way to the overall cost sharing of the system;	
Article 13(2), point (f)				
367	(f) are financially responsible for the imbalances they cause in the natural gas system or shall delegate their balancing responsibility in accordance with Article 3 (e) of [recast Gas Regulation as proposed in COM(2021) xxx].	(f) are financially responsible for the imbalances they cause in the natural gas system or shall delegate their balancing responsibility in accordance with Article 3 (e) of [recast Gas Regulation as proposed in COM(2021) xxx].	(f) are financially responsible for the imbalances they cause in the natural gas system or shall delegate their balancing responsibility in accordance with Article 3 (e) of [Recast Gas Regulation as proposed in COM(2021) ~~xxx~~ **804**].	
Article 13(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
368	3. Member States may have different provisions applicable to individual and jointly-acting active customers in their national law, provided that all rights and obligations under this Article apply to all active customers. Any difference in the treatment of jointly-acting active customers shall be proportionate and duly justified.	3. Member States may have different provisions applicable to individual and jointly-acting active customers in their national law, provided that all rights and obligations under this Article apply to all active customers. Any difference in the treatment of jointly-acting active customers shall be proportionate and duly justified.	3. Member States may have different provisions applicable to individual and jointly-acting active customers in their national law, provided that all rights and obligations under this Article apply to all active customers. Any difference in the treatment of jointly-acting active customers shall be proportionate and duly justified.	
Article 13(4)				
369	4. Member States shall ensure that active customers that own facilities that store renewable gas:	4. Member States shall ensure that ***renewable natural gas*** active customers that own facilities that ***produce or*** store renewable gas:	4. Member States shall ensure that active customers that own facilities that store renewable gas:	
Article 13(4), point (a)				
370	(a) have the right to a grid connection within a reasonable time after they made a request to that effect, provided that all necessary conditions, such as balancing responsibility, are fulfilled;	(a) have the right to a grid connection within a reasonable time after they made a request to that effect, provided that all necessary conditions, such as balancing responsibility, are fulfilled;	(a) have the right to a grid connection within a reasonable time after they made a request to that effect, provided that all necessary conditions, such as balancing responsibility, are fulfilled;	
Article 13(4), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
371	(b) are not subject to any double charges, including network charges, for stored renewable gas remaining within their premises;	(b) are not subject to any double charges, including network charges, for stored renewable gas remaining within their premises;	(b) are not subject to any double charges, including network charges, for stored renewable gas remaining within their premises;	
Article 13(4), point (c)				
372	(c) are not subject to disproportionate licensing requirements or fees;	(c) are not subject to disproportionate licensing requirements or fees;	(c) are not subject to disproportionate licensing requirements or fees;	
Article 13(4), point (d)				
373	(d) are allowed to provide several services simultaneously, if technically feasible.	(d) are allowed to provide several services simultaneously, if technically feasible.	(d) are allowed to provide several services simultaneously, if technically feasible.	
Article 14				
374	Article 14 Citizen energy communities	*deleted*	Article 14 Citizen energy communities **on the natural gas market**	
Article 14(1)				
375	1. Member States shall provide an enabling regulatory framework for citizen energy communities ensuring that:	*deleted*	-1. Member States ~~shall~~**may** provide an enabling regulatory framework for citizen energy communities ~~ensuring that:~~**.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
375a			**2. Where Member States provide an enabling framework as referred to in paragraph 1, they shall ensure that:**	
Article 14(1), point (a)				
376	(a) participation in a citizen energy community is open and voluntary;	*deleted*	(a) participation in a citizen energy community is open and voluntary~~;~~	
Article 14(1), point (b)				
377	(b) members or shareholders of a citizen energy community are entitled to leave the community, in which case Article 11 applies;	*deleted*	(b) members or shareholders of a citizen energy community are entitled to leave the community, in which case Article 11 applies;	
Article 14(1), point (c)				
378	(c) members or shareholders of a citizen energy community do not lose their rights and obligations as household customers or active customers;	*deleted*	*(c)* members or shareholders of a citizen energy community do not lose their rights and obligations as household customers or active customers;	
Article 14(1), point (d)				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
379	(d) subject to fair compensation as assessed by the regulatory authority, relevant distribution system operators cooperate with citizen energy communities to facilitate transfers of renewable natural gases within citizen energy communities;	*deleted*	(d) subject to fair compensation as assessed by the regulatory authority, relevant distribution system operators cooperate with citizen energy communities to facilitate transfers of renewable ~~natural~~ gases within citizen energy communities;	
Article 14(1), point (e)				
380	(e) citizen energy communities are subject to non-discriminatory, fair, proportionate and transparent procedures and charges, including with respect to grid connection, registration and licensing, and to transparent, non-discriminatory and cost-reflective network charges, ensuring that they contribute in an adequate and balanced way to the overall cost sharing of the natural gas system.	*deleted*	*(e)* citizen energy communities are subject to non-discriminatory, fair, proportionate and transparent procedures and charges, including with respect to grid connection, registration and licensing, and to transparent, non-discriminatory and cost-reflective network charges, ensuring that they contribute in an adequate and balanced way to the overall cost sharing of the natural gas system.	
Article 14(2)				
381	2. Member States may provide in the enabling regulatory framework that citizen energy communities:	*deleted*	~~2~~**3**. **Where** Member States **provide an enabling framework as referred to in paragraph 1, they** may provide in ~~the~~**that** enabling ~~regulatory~~ framework	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			that ~~citizen~~**citizens** energy communities:	
Article 14(2), point (a)				
382	(a) are open to cross-border participation;	*deleted*	(a) are open to cross-border participation~~;~~	
Article 14(2), point (b)				
383	(b) are entitled to own, establish, purchase or lease distribution networks and to autonomously manage them subject to conditions set out in paragraph 4 of this Article;	*deleted*	(b) are entitled to own, establish, purchase or lease distribution networks and to autonomously manage them subject to conditions set out in paragraph 4 of this Article;	
Article 14(2), point (c)				
384	(c) are subject to the exemptions provided for in Article 28(2).	*deleted*	*(c)* are subject to the exemptions provided for in Article 28(2).	
Article 14(3), first subparagraph				
385	3. Member States shall ensure that citizen energy communities:	*deleted*	~~3~~**4**. **Where** Member States **provide an enabling framework as referred to in paragraph 1, they** shall ensure that citizen energy communities:	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 14(3), first subparagraph, point (a)				
386	(a) are able to access all natural gas markets in a non-discriminatory manner;	*deleted*	(a) are able to access all natural gas markets in a non-discriminatory manner;	
Article 14(3), first subparagraph, point (b)				
387	(b) are treated in a non-discriminatory and proportionate manner with regard to their activities, rights and obligations as final customers, producers, suppliers or distribution system operators or market participants;	*deleted*	*(b)* are treated in a non-discriminatory and proportionate manner with regard to their activities, rights and obligations as final customers, producers, suppliers or distribution system operators or market participants;	
Article 14(3), first subparagraph, point (c)				
388	(c) are financially responsible for the imbalances they cause in the natural gas system or shall delegate their balancing responsibility in line with Article 3 (e) of [recast Gas Regulation as proposed in COM(2021) xxx];	*deleted*	(c) are financially responsible for the imbalances they cause in the natural gas system or shall delegate their balancing responsibility in line with Article 3 (e) of [recast Gas Regulation as proposed in COM(2021) ~~xxx~~ **804**];	
Article 14(3), first subparagraph, point (d)				
389	(d) are treated like active customers in accordance with	*deleted*	(d) are treated like active customers in accordance with	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	point (e) of paragraph 2 and points (a), (c) and (d) of Paragraph 4 of Article 13;		point (e) of paragraph 2 and points (a), (c) and (d)**,** of Paragraph 4 of Article 13;	
Article 14(3), first subparagraph, point (e)				
390	(e) are entitled to arrange within the citizen energy community the sharing of renewable gas that are produced by the production units owned by the community, subject to other requirements laid down in this Article and subject to the community members retaining their rights and obligations as final customers.	*deleted*	(e) are entitled to arrange within the citizen energy community the sharing of renewable gas that are produced by the production units owned by the community, subject to other requirements laid down in this Article and subject to the community members retaining their rights and obligations as final customers.	
Article 14(3), second subparagraph				
391	For the purposes of the first subparagraph, point (e), where renewable natural gases are shared, this shall be without prejudice to applicable network charges, tariffs and levies, in accordance with a transparent cost-benefit analysis of distributed energy resources developed by the competent national authority.	*deleted*	For the purposes of the first subparagraph, point (e), where renewable ~~natural~~ gases are shared, this shall be without prejudice to applicable network charges, tariffs and levies, in accordance with a transparent cost-benefit analysis of distributed energy resources developed by the competent national authority.	
Article 14(4), first subparagraph				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
392	4. Member States may decide to grant citizen energy communities the right to manage distribution networks in their area of operation and establish the relevant procedures, without prejudice to Chapter VI or to other rules and regulations applying to distribution system operators.	*deleted*	~~45~~. Member States may decide to grant citizen energy communities the right to manage distribution networks in their area of operation and establish the relevant procedures, without prejudice to Chapter VI or to other rules and regulations applying to distribution system operators.	
Article 14(4), second subparagraph				
393	Where such a right is granted, Member States shall ensure that citizen energy communities:	*deleted*	Where **a right as referred to in the first subparagraph** ~~such a right~~ is granted, Member States shall ensure that citizen energy communities:	
Article 14(4), second subparagraph, point (a)				
394	(a) are allowed to transport non-renewable gas where such gas is for a natural gas customer who is not a member of the citizen energy community or is necessary for secure system operation;	*deleted*	(a) are allowed to transport non-renewable gas where such gas ~~is for a natural gas customer who is not a member of the citizen energy community or~~ is necessary for secure system operation;	
Article 14(4), second subparagraph, point (b)				
395				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(b) are entitled to conclude an agreement on the operation of their network with the relevant distribution system operator or transmission system operator to which their network is connected;	*deleted*	(b) are entitled to conclude an agreement on the operation of their network with the relevant distribution system operator or transmission system operator to which their network is connected;	
Article 14(4), second subparagraph, point (c)				
396	(c) are subject to appropriate network charges at the connection points between their network and the distribution network outside the citizen energy community;	*deleted*	*(c)* are subject to appropriate network charges at the connection points between their network and the distribution network outside the citizen energy community;	
Article 14(4), second subparagraph, point (d)				
397	(d) do not discriminate or harm customers who remain connected to the distribution system.	*deleted*	*(d)* do not discriminate or harm customers who remain connected to the distribution system.	
Article 14(6)				
397a			**6. Where Member States provide an enabling framework as referred to in paragraph 1, they shall ensure that:**	
Article 14(6), point a				
397b				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			(a) private undertakings that are engaged in large-scale commercial activity and for which the gas sector constitutes a primary area of economic activity are not allowed to participate as members or shareholder or cooperate through other means such as investment, either directly or indirectly through a subsidiary.	
Article 14(6) point b				
397c			**(b) private undertakings that are engaged in large-scale commercial activity that participate in the community as members or shareholders, or who cooperate through other means such as investment cannot exercise any decisive influence on the decision-making of the citizen energy community.**	
Article 14(6), point c				
397d			**(c) citizen energy communities are economically and financially independent from private undertakings other than**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			renewable energy communities and small enterprises.	
Article 14(6), point d				
397e			**(d) At least 15% of voting rights are allocated to household customers that are independent from other members or shareholders, such as small enterprises and local authorities.**	
Article 15				
398	Article 15 Bills and billing information	Article 15 Bills and billing information	Article 15 Bills and billing information	
Article 15(1)				
399	1. Member States shall ensure that bills and billing information are accurate, easy to understand, clear, concise, user-friendly and presented in a manner that facilitates comparison by final customers and that they fulfil the minimum requirements set out in Annex I. On request, final customers shall receive a clear and understandable explanation of how their bill was derived, especially	1. Member States shall ensure that bills and billing information are accurate, easy to understand, clear, concise, user-friendly and presented in a manner that facilitates comparison by final customers and that they fulfil the minimum requirements set out in Annex I. On request, final customers shall receive a clear and understandable explanation of how their bill was derived, especially	1. Member States shall ensure that bills and billing information are accurate, easy to understand, clear, concise, user-friendly and presented in a manner that facilitates comparison by final customers and that they fulfil the minimum requirements set out in Annex I. On request, final customers shall receive a clear and understandable explanation of how their bill was derived, especially	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	where bills are not based on actual consumption.	where bills are not based on actual consumption.	where bills are not based on actual consumption.	
Article 15(2)				
400	2. Member States shall ensure that final customers receive all their bills and billing information free of charge.	2. Member States shall ensure that final customers receive all their bills and billing information free of charge.	2. Member States shall ensure that final customers receive all their bills and billing information free of charge.	
Article 15(3)				
401	3. Member States shall ensure that final customers are offered the option of electronic bills and billing information and are offered flexible arrangements for the actual payment of the bills.	3. Member States shall ensure that final customers are offered the option of electronic bills and billing information and are offered flexible arrangements for the actual payment of the bills.	3. Member States shall ensure that final customers are offered the option of electronic bills and billing information and**, at least in the case of household customers and small and micro enterprises, that** ~~are offered~~ flexible arrangements for the actual payment of the bills **are offered**.	
Article 15(4)				
402	4. Where the contract provides for a future change of the product or price, or a discount, this shall be indicated on the bill together with the date on which the change takes place.	4. Where the contract provides for a future change of the product or price, or a discount, this shall be indicated on the bill together with the date on which the change takes place.	4. Where the contract provides for a future change of the product or price, or a discount, this shall be indicated on the bill together with the date on which the change takes place.	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 15(5)				
403	5. Member States shall consult consumer organisations when they consider changes to the requirements for the content of bills.	5. Member States shall consult consumer organisations when they consider changes to the requirements for the content of bills.	5. Member States shall consult consumer organisations when they consider changes to the requirements for the content of bills.	
Article 16				
404	Article 16 Smart metering systems in the natural gas system	Article 16 Smart metering systems in the natural gas system	Article 16 Smart metering systems in the natural gas system	
Article 16(1)				
405	1. In order to promote energy efficiency and to empower final customers, Member States or, where a Member State has so provided, the regulatory authority shall strongly recommend that natural gas undertakings optimise the use of natural gas, inter alia, by providing energy management services, and introducing smart metering systems that are interoperable, in particular with consumer energy management systems and with smart grids, in accordance with the applicable Union data protection rules.	1. In order to ***complement*** energy efficiency ***measures adopted pursuant to Directives (EU) .../...[+] and (EU) .../...[++]*** and to ***further*** empower final customers, Member States or, where a Member State has so provided, the regulatory authority shall strongly recommend that natural gas undertakings optimise the use of natural gas, inter alia, by providing energy management services, ***after a positive cost-benefit assessment,*** and introducing smart metering systems that are interoperable, in particular with consumer energy	1. In order to promote energy efficiency and to empower final customers, Member States or, where a Member State has so provided, the regulatory authority shall strongly recommend that natural gas undertakings optimise the use of natural gas, inter alia, by providing energy management services, and introducing smart metering systems that are interoperable, in particular with consumer energy management systems and with smart grids, in accordance with the applicable Union data protection rules.	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		management systems and with smart grids, in accordance with the applicable Union data protection rules. _____ +. ***OJ: Please insert in the text the number of the Directive contained in document PE-CONS .../... (2021/0203(COD)).*** ++. ***OJ: Please insert in the text the number of the Directive contained in document PE-CONS .../... (2021/0426(COD)).***	PUBLIC	
Article 16(2)				
406	2. Member States shall ensure the deployment in their territories of smart metering systems. Such deployment may be subject to a cost-benefit assessment which shall be undertaken in accordance with the principles laid down in Annex II.	2. Member States shall ***proceed with*** the deployment in their territories of smart metering systems ***that assist the active participation of customers only after a positive*** cost-benefit assessment which ***clearly assesses and specifies the benefits to customers that arise from the use of smart meters and of signing up for smart meter-enabled offers. The cost-benefit assessment*** shall be undertaken in accordance with the principles laid down in Annex II. ***The cost-benefit assessment shall also evaluate the impacts of deploying smart metering systems only for industrial customers.***	2. Member States shall ensure the deployment in their territories of smart metering systems. **Notwithstanding the first subparagraph, such obligation to deploy** ~~Such deployment~~ may be subject to a cost-benefit assessment which shall be undertaken in accordance with the principles laid down in Annex II. **In their cost-benefit assessment, Member States may make separate assessments for different categories of customers and customer groups, such as households, small and medium-sized enterprises and industry.**	Reject EP amendment, as in Recital 40

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 16(3)				
407	3. Member States that proceed with the deployment of smart metering systems shall adopt and publish the minimum functional and technical requirements for the smart metering systems to be deployed in their territories, in accordance with Article 18 and Annex II. Member States shall ensure the interoperability of those smart metering systems, as well as their ability to provide output for consumer energy management systems. In that respect, Member States shall have due regard to the use of the relevant available standards, including those enabling interoperability, to best practices and to the importance of the development of smart grids and the development of the internal market for natural gas.	3. Member States that proceed with the deployment of smart metering systems shall adopt and publish the minimum functional and technical requirements for the smart metering systems to be deployed in their territories, in accordance with Article 18 and Annex II. Member States shall ensure the interoperability of those smart metering systems, as well as their ability to provide output for consumer energy management systems. In that respect, Member States shall have due regard to the use of the relevant available standards, including those enabling interoperability, to best practices and to the importance of the development of smart grids and the development of the internal market for natural gas.	3. Member States that proceed with the deployment of smart metering systems shall adopt and publish the minimum functional and technical requirements for the smart metering systems to be deployed in their territories, in accordance with Article 18 and Annex II. Member States shall ensure the interoperability of those smart metering systems, as well as their ability to provide output for consumer energy management systems. In that respect, Member States shall have due regard to the use of the relevant available standards, including those enabling interoperability, to best practices and to the importance of the development of smart grids and the development of the internal market for natural gas.	
407a		***3a. Member States that proceed with the deployment of smart metering systems shall develop guidelines regarding the***		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		provision of clear and understandable information and advice to customers about the benefits of smart meters. Member States shall develop those guidelines after consulting consumer bodies and other relevant organisations. Those guidelines shall at least:		
407b		***(a) include advice on how customer groups can use their smart metering system to improve their energy efficiency;***		
407c		***(b) establish industry wide standards to address the specific needs of vulnerable customers, such as persons with a visual or hearing impairment, and persons with low levels of literacy;***		
407d		***(c) include local engagement strategies to encourage the support of authorities and***		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		support services to explain how smart appliances can benefit vulnerable customers and customers affected by or at risk of energy poverty.		
Article 16(4)				
408	4. Member States that proceed with the deployment of smart metering systems shall ensure that final customers contribute to the associated costs of the deployment in a transparent and non-discriminatory manner, while taking into account the long-term benefits to the whole value chain. Member States or, where a Member State has so provided, the designated competent authorities, shall regularly monitor such deployment in their territories to track the delivery of benefits to consumers.	4. Member States that proceed with the deployment of smart metering systems shall ensure that final customers contribute to the associated costs of the deployment in a transparent and non-discriminatory manner, while taking into account the long-term benefits to the whole value chain. Member States or, where a Member State has so provided, the designated competent authorities, shall regularly monitor such deployment in their territories to track the delivery of benefits to ***customers. Benefits to network operations in accordance with the cost-benefit assessment, for example, in terms of savings, in particular due to better network management, more efficient fault clearing, more precise planning and the identification of network losses, shall be subtracted when***	4. Member States that proceed with the deployment of smart metering systems shall ensure that final customers contribute to the associated costs of the deployment in a transparent and non-discriminatory manner, while taking into account the long-term benefits to the whole value chain. Member States or, where a Member State has so provided, the designated competent authorities, shall regularly monitor such deployment in their territories to track the delivery of benefits to consumers.	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		calculating customers' contribution.		
Article 16(5)				
409	5. Where the deployment of smart metering systems has been negatively assessed as a result of the cost-benefit assessment referred to in paragraph 2, Member States shall ensure that the assessment is revised at least every four years in response to significant changes in the underlying assumptions and in response to technological and market developments. Member States shall notify to the Commission the outcome of their updated cost-benefit assessment as it becomes available.	5. ▌	5. Where the deployment of smart metering systems has been negatively assessed as a result of the cost-benefit assessment referred to in paragraph 2, Member States shall ensure that the assessment is revised at least every four years in response to significant changes in the underlying assumptions and in response to technological and market developments. Member States shall notify to the Commission the outcome of their updated cost-benefit assessment as it becomes available.	
Article 16(6)				
410	6. The provisions in this Directive concerning smart metering systems shall apply to future installations and to installations that replace older smart meters. Smart metering systems that have already been installed, or for which the 'start of works' began,	6. The provisions in this Directive concerning smart metering systems shall apply to future installations and to installations that replace older smart meters. Smart metering systems that have already been installed, or for which the 'start of works' began,	6. The provisions in this Directive concerning smart metering systems shall apply to future installations and to installations that replace older smart meters. Smart metering systems that have already been installed, or for which the 'start of works' began,	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	before [date of entry into force], may remain in operation over their lifetime. However, smart metering systems that do not meet the requirements of Article 20 and Annex II, shall not remain in operation after [12 years after entering into force of this Directive].	before [date of entry into force], may remain in operation over their lifetime. However, smart metering systems that do not meet the requirements of Article 20 and Annex II, shall not remain in operation after [12 years after entering into force of this Directive].	before [date of entry into force], may remain in operation over their lifetime. However, smart metering systems that do not meet the requirements of Article ~~20~~ **18** and Annex II, shall not remain in operation after [12 years after entering into force of this Directive].	
Article 16(7)				
411	7. For the purpose of paragraph 6, 'start of works' means either the start of construction works on the investment or the first firm commitment to order equipment or other commitment that makes the investment irreversible, whichever is the first in time. Buying of land and preparatory works such as obtaining permits and conducting preliminary feasibility studies shall not considered as start of works. For take-overs, 'start of works' means the moment of acquiring the assets directly linked to the acquired establishment.	7. For the purpose of paragraph 6, 'start of works' means either the start of construction works on the investment or the first firm commitment to order equipment or other commitment that makes the investment irreversible, whichever is the first in time. Buying of land and preparatory works such as obtaining permits and conducting preliminary feasibility studies shall not considered as start of works. For take-overs, 'start of works' means the moment of acquiring the assets directly linked to the acquired establishment.	7. For the purpose of paragraph 6, 'start of works' means either the start of construction works on the investment or the first firm commitment to order equipment or other commitment that makes the investment irreversible, whichever is the first in time. Buying of land and preparatory works such as obtaining permits and conducting preliminary feasibility studies shall not **be** considered as start of works. For take-overs, 'start of works' means the moment of acquiring the assets directly linked to the acquired establishment.	
Article 17				
412	Article 17		Article 17	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Smart metering systems in the hydrogen system	*deleted*	Smart metering systems in the hydrogen system	
Article 17(1)				
413	1. Member States shall ensure the deployment of smart metering systems that can accurately measure consumption, provide information on actual time of use, and are capable to transmit and receive data for information, monitoring and control purposes, using a form of electronic communication.	*deleted*	1. Member States shall ensure the deployment of smart metering systems that can accurately measure consumption, provide information on actual time of use, and are capable to transmit and receive data for information, monitoring and control purposes, using a form of electronic communication.	
Article 17, first subparagraph				
413a			**Notwithstanding the first subparagraph, such obligation to deploy may be subject to a cost-benefit assessment which shall be undertaken in accordance with the principles laid down in Annex II.**	
Article 17(2)				
414	2. Member States shall ensure the security of the metering systems and respective data	*deleted*	*2.* Member States shall ensure the security of the metering systems and respective data	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	communication, and the privacy of final customers, in compliance with relevant Union data protection and privacy legislation, as well as their interoperability and having regard to the use of appropriate standards.		communication, and the privacy of final customers, in compliance with relevant Union data protection and privacy legislation, as well as their interoperability and having regard to the use of appropriate standards.	
Article 17(3)				
415	3. The Commission shall adopt, by means of implementing acts, interoperability requirements for smart metering and procedures to ensure, for those eligible, access to data coming from those metering systems. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 4 of Regulation (EU) No 182/2011.	*deleted*	*3.* The Commission shall adopt, by means of implementing acts, interoperability requirements for smart metering and procedures to ensure, for those eligible, access to data coming from those metering systems. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 4 of Regulation (EU) No 182/2011.	
Article 17(4)				
415a			**4. Member States that proceed with the deployment of smart metering systems shall ensure that final customers contribute to the associated costs of the deployment in a transparent and non-discriminatory manner, while taking into account the**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			long-term benefits to the whole value chain. Member States shall regularly monitor such deployment in their territories to track the delivery of benefits to consumers.	
Article 17(5)				
415b			**5. Where the deployment of smart metering systems has been negatively assessed as a result of the cost-benefit assessment referred to in paragraph 1, Member States shall ensure that the assessment is revised at least every four years in response to significant changes in the underlying assumptions and in response to technological and market developments. Member States shall notify to the Commission the outcome of their updated cost-benefit assessment as it becomes available.**	
Article 18				
416	Article 18 Functionalities of smart metering systems in the natural gas system	Article 18 Functionalities of smart metering systems in the natural gas system	Article 18 Functionalities of smart metering systems in the natural gas system	

Public

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 18, first paragraph				
417	Where the deployment of smart metering systems is positively assessed as a result of the cost-benefit assessment referred to in Article 16(2), or where smart metering systems are systematically deployed after [date of entry into force], Member States shall deploy those systems in accordance with European standards, the following requirements, and Annex II:	Where the deployment of smart metering systems is positively assessed as a result of the cost-benefit assessment referred to in Article 16(2), ▌ Member States shall deploy those systems in accordance with European standards, the following requirements, and Annex II:	Where the deployment of smart metering systems is positively assessed as a result of the cost-benefit assessment referred to in Article 16(2), or where smart metering systems are systematically deployed after [date of entry into force], Member States shall deploy those systems in accordance with European standards, the following requirements, and Annex II:	
Article 18, first paragraph, point (a)				
418	(a) the smart metering systems shall accurately measure actual natural gas consumption and shall be capable of providing to final customers information on actual time of use, including validated historical consumption data which shall be made easily and securely available and visualised to final customers on request and at no additional cost, and non -validated most recent available consumption data which shall also be made easily and securely available to	(a) the smart metering systems shall accurately measure actual natural gas consumption and shall be capable of providing to final customers information on actual time of use, including validated historical consumption data which shall be made easily and securely available and visualised to final customers on request and at no additional cost, and non -validated most recent available consumption data which shall also be made easily and securely available to	(a) the smart metering systems shall accurately measure actual natural gas consumption and shall be capable of providing to final customers information on actual time of use, including validated historical consumption data which shall be made easily and securely available and visualised to final customers on request and at no additional cost, and non -validated most recent available consumption data which shall also be made easily and securely available to	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	final customers at no additional cost, through a standardised interface or through remote access, in order to support automated energy efficiency programmes, and other services;	final customers at no additional cost, through a standardised interface or through remote access, in order to support automated energy efficiency programmes, and other services;	final customers at no additional cost, through a standardised interface or through remote access, in order to support automated energy efficiency programmes, and other services;	
Article 18, first paragraph, point (b)				
419	(b) the security of the smart metering systems and data communication shall comply with relevant Union security rules, having due regard to the best available techniques for ensuring the highest level of cybersecurity protection while bearing in mind the costs and the principle of proportionality;	(b) the security of the smart metering systems and data communication shall comply with relevant Union security rules, having due regard to the best available techniques for ensuring the highest level of cybersecurity protection while bearing in mind the costs and the principle of proportionality;	(b) the security of the smart metering systems and data communication shall comply with relevant Union security rules, having due regard to the best available techniques for ensuring the highest level of cybersecurity protection while bearing in mind the costs and the principle of proportionality;	
Article 18, first paragraph, point (c)				
420	(c) the privacy of final customers and the protection of their data shall comply with relevant Union data protection and privacy rules;	(c) the privacy of final customers and the protection of their data shall comply with relevant Union data protection and privacy rules;	(c) the privacy of final customers and the protection of their data shall comply with relevant Union data protection and privacy rules;	
Article 18, first paragraph, point (d)				
421	(d) if final customers request it, their natural gas consumption data	(d) if final customers request it, their natural gas consumption data	(d) if final customers request it, their natural gas consumption data	

Public

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall be made available to them, in accordance with the implementing acts adopted pursuant to Article 23, through a standardised communication interface or through remote access, or to a third party acting on their behalf, in an easily understandable format allowing them to compare offers on a like-for-like basis;	shall be made available to them, in accordance with the implementing acts adopted pursuant to Article 23, through a standardised communication interface or through remote access, or to a third party acting on their behalf, in an easily understandable format allowing them to compare offers on a like-for-like basis;	shall be made available to them, in accordance with the implementing acts adopted pursuant to Article ~~23~~ **22**, through a standardised communication interface or through remote access, or to a third party acting on their behalf, in an easily understandable format allowing them to compare offers on a like-for-like basis;	
Article 18, first paragraph, point (e)				
422	(e) appropriate advice and information shall be given to final customers prior to or at the time of installation of smart meters, in particular concerning their full potential with regard to the management of meter reading and the monitoring of energy consumption, and concerning the collection and processing of personal data in accordance with the applicable Union data protection rules;	(e) appropriate advice and information shall be given to final customers prior to or at the time of installation of smart meters, in particular concerning their full potential with regard to the management of meter reading and the monitoring of energy consumption, and concerning the collection and processing of personal data in accordance with the applicable Union data protection rules;	(e) appropriate advice and information shall be given to final customers prior to or at the time of installation of smart meters, in particular concerning their full potential with regard to the management of meter reading and the monitoring of energy consumption, and concerning the collection and processing of personal data in accordance with the applicable Union data protection rules;	
Article 18, first paragraph, point (f)				
423	(f) smart metering systems shall enable final customers to be metered and settled at the same	(f) smart metering systems shall enable final customers to be metered and settled at the same	(f) smart metering systems shall enable final customers to be metered and settled at the same	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	time resolution as the shortest settlement period in the national market.	time resolution as the shortest settlement period in the national market.	time resolution as the shortest settlement period in the national market.	
Article 18, second paragraph				
424	For the purposes of point (d) of the first subparagraph, it shall be possible for final customers to retrieve their metering data or transmit them to another party at no additional cost and in accordance with their right to data portability under Union data protection rules.	For the purposes of point (d) of the first subparagraph, it shall be possible for final customers to retrieve their metering data or transmit them to another party at no additional cost and in accordance with their right to data portability under Union data protection rules.	For the purposes of point (d) of the first subparagraph, it shall be possible for final customers to retrieve their metering data or transmit them to another party at no additional cost and in accordance with their right to data portability under Union data protection rules.	
Article 19				
425	Article 19 Entitlement to a smart meter for natural gas	Article 19 Entitlement to a smart meter for natural gas ***for industrial customers***	Article 19 Entitlement to a smart meter for natural gas	
Article 19(1)				
426	1. Where the deployment of smart metering systems has been negatively assessed as a result of the cost-benefit assessment referred to in Article 16(2) and where smart metering systems are	1. Where the deployment of smart metering systems has been negatively assessed as a result of the cost-benefit assessment referred to in Article 16(2) , Member States shall ensure that	1. Where the deployment of smart metering systems has been negatively assessed as a result of the cost-benefit assessment referred to in Article 16(2) and where smart metering systems are	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	not systematically deployed, Member States shall ensure that every final customer is entitled on request, while bearing the associated costs, to have installed or, where applicable, to have upgraded, under fair, reasonable and cost-effective conditions, a smart meter that:	every ***industrial*** customer is entitled**,** on request, while bearing the associated costs, to have installed or, where applicable, to have upgraded, under fair, reasonable and cost-effective conditions, a smart meter that:	not systematically deployed, Member States shall ensure that every final customer is entitled on request, while bearing the associated costs, to have installed or, where applicable, to have upgraded, under fair, reasonable and cost-effective conditions, a smart meter that:	
Article 19(1), point (a)				
427	(a) is equipped, where technically feasible, with the functionalities referred to in Article 18, or with a minimum set of functionalities to be defined and published by Member States at national level in accordance with Annex II;	(a) is equipped, where technically feasible, with the functionalities referred to in Article 18, or with a minimum set of functionalities to be defined and published by Member States at national level in accordance with Annex II;	(a) is equipped, where technically feasible, with the functionalities referred to in Article 18, or with a minimum set of functionalities to be defined and published by Member States at national level in accordance with Annex II;	
Article 19(1), point (b)				
428	(b) is interoperable and able to deliver the desired connectivity of the metering infrastructure with consumer energy management systems.	(b) is interoperable and able to deliver the desired connectivity of the metering infrastructure with consumer energy management systems.	(b) is interoperable and able to deliver the desired connectivity of the metering infrastructure with consumer energy management systems.	
Article 19(2)				
429				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	2. Where a customer requests a smart meter pursuant to paragraph 1, Member States or, where a Member State has so provided, the designated competent authorities shall:	2. Where a ***industrial*** customer requests a smart meter pursuant to paragraph 1, Member States or, where a Member State has so provided, the designated competent authorities shall:	2. Where a customer requests a smart meter pursuant to paragraph 1, Member States or, where a Member State has so provided, the designated competent authorities shall:	
Article 19(2), point (a)				
430	(a) ensure that the offer to the final customer requesting the installation of a smart meter explicitly states and clearly describes:	(a) ensure that the offer to the ***industrial*** customer requesting the installation of a smart meter explicitly states and clearly describes:	(a) ensure that the offer to the final customer requesting the installation of a smart meter explicitly states and clearly describes:	
Article 19(2), point (a)(i)				
431	(i) the functions and interoperability that can be supported by the smart meter and the services that can be provided as well as the benefits that can be realistically attained by having that smart meter at that moment in time;	(i) the functions and interoperability that can be supported by the smart meter and the services that can be provided as well as the benefits that can be realistically attained by having that smart meter at that moment in time;	(i) the functions and interoperability that can be supported by the smart meter and the services that can be provided as well as the benefits that can be realistically attained by having that smart meter at that moment in time;	
Article 19(2), point (a)(ii)				
432	(ii) any associated costs to be borne by the final customer;	(ii) any associated costs to be borne by the ***industrial*** customer;	(ii) any associated costs to be borne by the final customer;	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 19(2), point (b)				
433	(b) ensure that the smart meter is installed within a reasonable time, and in any case no later than four months after the customer's request;	(b) ensure that the smart meter is installed within a reasonable time, and in any case no later than four months after the ***industrial*** customer's request;	(b) ensure that the smart meter is installed within a reasonable time, and in any case no later than four months after the customer's request;	
Article 19(2), point (c)				
434	(c) regularly, and at least every two years, review and make publicly available the associated costs, and trace the evolution of those costs as a result of technology developments and potential metering system upgrades.	(c) regularly, and at least every two years, review and make publicly available the associated costs, and trace the evolution of those costs as a result of technology developments and potential metering system upgrades.	(c) regularly, and at least every two years, review and make publicly available the associated costs, and trace the evolution of those costs as a result of technology developments and potential metering system upgrades.	
Article 20				
435	Article 20 Conventional meters for natural gas	Article 20 Conventional meters for natural gas	Article 20 Conventional meters for natural gas	
Article 20(1)				
436	1. Where final natural gas customers do not have smart meters, Member States shall ensure that final customers are	1. Where final natural gas customers do not have smart meters, Member States shall ensure that***, in so far as***	1. Where final natural gas customers do not have smart meters, Member States shall ensure that final customers are	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	provided with individual conventional meters that accurately measure their actual consumption.	***technically possible, financially reasonable and proportionate to the potential energy savings,*** final customers are provided with individual conventional meters that accurately measure their actual consumption.	provided with individual conventional meters that accurately measure their actual consumption. **Member States may exempt household customers that do not use gas for heating purposes from this requirement. The exemption may also be extended to non-household consumers located in buildings where the majority of consumers are households eligible for exemption, if such deployment is not technically feasible.**	
Article 20(2)				
437	2. Member States shall ensure that final natural gas customers are able to easily read their conventional meters, either directly or indirectly through an online interface or through another appropriate interface.	2. Member States shall ensure that final natural gas customers are able to easily read their conventional meters, either directly or indirectly through an online interface or through another appropriate interface.	2. Member States shall ensure that final natural gas customers are able to easily read their conventional meters, either directly or indirectly through an online interface or through another appropriate interface.	
Article 21				
438	Article 21 Data management	Article 21 Data management	Article 21 Data management	
Article 21(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
439	1. When laying down the rules regarding the management and exchange of data, Member States or, where a Member State has so provided, the designated competent authorities shall specify the rules on the access to data of the final customer by eligible parties in accordance with this Article and the applicable Union legal framework. For the purpose of this Directive, data shall be understood to include metering and consumption data as well as data required for customer switching, and other services.	1. When laying down the rules regarding the management and exchange of data, Member States or, where a Member State has so provided, the designated competent authorities shall specify the rules on the access to data of the final customer by eligible parties in accordance with this Article and the applicable Union legal framework. For the purpose of this Directive, data shall be understood to include metering and consumption data as well as data required for customer switching, and other services.	1. When laying down the rules regarding the management and exchange of data, Member States or, where a Member State has so provided, the designated competent authorities shall specify the rules on the access to data of the final customer by eligible parties in accordance with this Article and the applicable Union legal framework. For the purpose of this Directive, data shall be understood to include metering and consumption data as well as data required for customer switching, and other services.	
Article 21(2), first subparagraph				
440	2. Member States shall organise the management of data in order to ensure efficient and secure data access and exchange, as well as data protection and data security.	2. Member States shall organise the management of data in order to ensure efficient and secure data access and exchange, as well as data protection and data security.	2. Member States shall organise the management of data in order to ensure efficient and secure data access and exchange, as well as data protection and data security.	
Article 21(2), second subparagraph				
441	Independently of the data management model applied in each Member State, the parties responsible for data management	Independently of the data management model applied in each Member State, the parties responsible for data management	Independently of the data management model applied in each Member State, the parties responsible for data management	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall provide access to the data of the final customer to any eligible party, in accordance with paragraph 1. Eligible parties shall have the requested data at their disposal in a non-discriminatory manner and simultaneously. Access to data shall be easy and the relevant procedures for obtaining access to data shall be made publicly available.	shall provide access to the data of the final customer to any eligible party, in accordance with paragraph 1. Eligible parties shall have the requested data at their disposal in a non-discriminatory manner and simultaneously. Access to data shall be easy and the relevant procedures for obtaining access to data shall be made publicly available.	shall provide access to the data of the final customer to any eligible party, in accordance with paragraph 1. Eligible parties shall have the requested data at their disposal in a non-discriminatory manner and simultaneously. Access to data shall be easy and the relevant procedures for obtaining access to data shall be made publicly available.	
Article 21(3), first subparagraph				
442	3. The rules on access to data and data storage for the purpose of this Directive shall comply with the relevant Union law.	3. The rules on access to data and data storage for the purpose of this Directive shall comply with the relevant Union law.	3. The rules on access to data and data storage for the purpose of this Directive shall comply with the relevant Union law.	
Article 21(3), second subparagraph				
443	The processing of personal data within the framework of this Directive shall be carried out in accordance with Regulation (EU) 2016/679.	The processing of personal data within the framework of this Directive shall be carried out in accordance with Regulation (EU) 2016/679.	The processing of personal data within the framework of this Directive shall be carried out in accordance with Regulation (EU) 2016/679.	
Article 21(4), first subparagraph				
444	4. Member States or, where a Member State has so provided, the	4. Member States or, where a Member State has so provided, the	4. Member States or, where a Member State has so provided, the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	designated competent authorities, shall authorise and certify or, where applicable, supervise the parties responsible for the data management, in order to ensure that they comply with the requirements of this Directive.	designated competent authorities, shall authorise and certify or, where applicable, supervise the parties responsible for the data management, in order to ensure that they comply with the requirements of this Directive.	designated competent authorities, shall authorise and certify or, where applicable, supervise the parties responsible for the data management, in order to ensure that they comply with the requirements of this Directive.	
Article 21(4), second subparagraph				
445	Without prejudice to the tasks of the data protection officers under Regulation (EU) 2016/679, Member States may decide to require that parties responsible for the data management appoint compliance officers who shall be responsible for monitoring the implementation of measures taken by those parties to ensure non-discriminatory access to data and compliance with the requirements of this Directive.	Without prejudice to the tasks of the data protection officers under Regulation (EU) 2016/679, Member States may decide to require that parties responsible for the data management appoint compliance officers who shall be responsible for monitoring the implementation of measures taken by those parties to ensure non-discriminatory access to data and compliance with the requirements of this Directive.	Without prejudice to the tasks of the data protection officers under Regulation (EU) 2016/679, Member States may decide to require that parties responsible for the data management appoint compliance officers who shall be responsible for monitoring the implementation of measures taken by those parties to ensure non-discriminatory access to data and compliance with the requirements of this Directive.	
Article 21(4), third subparagraph				
446	Member States may appoint compliance officers or bodies referred to in point (d) of Article 44(2) of this Directive to fulfil the obligations under this paragraph.	Member States may appoint compliance officers or bodies referred to in point (d) of Article 44(2) of this Directive to fulfil the obligations under this paragraph.	Member States may appoint compliance officers or bodies referred to in point (d) of Article ~~44(2)~~ **42(2)** of this Directive to fulfil the obligations under this paragraph.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 21(5), first subparagraph				
447	5. No additional costs shall be charged to final customers for access to their data or for a request to make their data available.	5. No additional costs shall be charged to final customers for access to their data or for a request to make their data available.	5. No additional costs shall be charged to final customers for access to their data or for a request to make their data available.	
Article 21(5), second subparagraph				
448	Member States shall be responsible for setting the relevant charges for access to data by eligible parties.	Member States shall be responsible for setting the relevant charges for access to data by eligible parties.	Member States shall be responsible for setting the relevant charges for access to data by eligible parties.	
Article 21(5), third subparagraph				
449	Member States or, where a Member State has so provided, the designated competent authorities shall ensure that any charges imposed by regulated entities that provide data services are reasonable and duly justified.	Member States or, where a Member State has so provided, the designated competent authorities shall ensure that any charges imposed by regulated entities that provide data services are reasonable and duly justified.	Member States or~~, where a Member State has so provided, the designated competent authorities~~ shall ensure that any charges imposed by regulated entities that provide data services are reasonable and duly justified.	
Article 22				
450	Article 22 Interoperability requirements and procedures for access to data	Article 22 Interoperability requirements and procedures for access to data ▌	Article 22	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Interoperability requirements and procedures for access to data **in the natural gas market**	
Article 22(1)				
451	1. In order to promote competition in the natural gas retail market and to avoid excessive administrative costs for the eligible parties, Member States shall facilitate the full interoperability of energy services within the Union.	1. In order to promote competition in the natural gas retail market and to avoid excessive administrative costs for the eligible parties, Member States shall facilitate the full interoperability of energy services within the Union.	1. In order to promote competition in the natural gas retail market and to avoid excessive administrative costs for the eligible parties, Member States shall facilitate the full interoperability of energy services within the Union.	
Article 22(2)				
452	2. The Commission shall adopt, by means of implementing acts, interoperability requirements and non-discriminatory and transparent procedures for access to data referred to in Article 21(1). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 4 of Regulation (EU) No 182/2011.	2. The Commission shall adopt, by means of implementing acts, interoperability requirements and non-discriminatory and transparent procedures for access to data referred to in Article 21(1). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 4 of Regulation (EU) No 182/2011.	2. The Commission shall adopt, by means of implementing acts, interoperability requirements and non-discriminatory and transparent procedures for access to data referred to in Article 21(1). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 4 of Regulation (EU) No 182/2011.	
Article 22(3)				
453				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	3. Member States shall ensure that natural gas undertakings apply the interoperability requirements and procedures for access to data referred to in paragraph 2. Those requirements and procedures shall be based on existing national practices.	3. Member States shall ensure that natural gas undertakings apply the interoperability requirements and procedures for access to data referred to in paragraph 2. Those requirements and procedures shall be based on existing national practices.	3. Member States shall ensure that natural gas undertakings apply the interoperability requirements and procedures for access to data referred to in paragraph 2. Those requirements and procedures shall be based on existing national practices.	
Article 23				
454	Article 23 Single points of contact	Article 23 Single points of contact	Article 23 Single points of contact	
Article 23, first paragraph				
455	Member States shall ensure that single points of contact are established to provide customers with all necessary information concerning their rights, the applicable law and dispute settlement mechanisms available to them in the event of a dispute. Such single points of contact may be part of general consumer information points and may be the same entities as the single contact points for electricity referred to in Article 26 of Directive 2019/944/EU [on common rules	***Each*** Member ***State*** shall ensure that ***one*** single ***point*** of contact ***is*** established to provide customers with all necessary information concerning their rights, the applicable law and dispute settlement mechanisms available to them in the event of a dispute. Such single points of contact may be part of general consumer information points and may be the same entities as the single contact points for electricity referred to in Article 26 of Directive ***(EU) 2019/944 or single points of contact established under***	Member States shall ensure that single points of contact are established to provide customers with all necessary information concerning their rights, the applicable law and dispute settlement mechanisms available to them in the event of a dispute. Such single points of contact may be part of general consumer information points and may be the same entities as the single contact points for electricity referred to in Article 26 of Directive 2019/944/EU [on common rules	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	for the internal market in electricity.	***Directive (EU) 2018/2001 [amended RED], Directive (EU) .../... [+] and Directive (EU) .../... [++], provided that such entities ensure access to both energy and consumer knowledge and information.*** _____ ***+. OJ: Please insert in the text the number of the Directive contained in document PE-CONS .../... (2021/0203(COD)).*** ***++. OJ: Please insert in the text the number of the Directive contained in document PE-CONS .../... (2021/0426(COD)).***	for the internal market in electricity.	
455a		***The single point of contact shall also provide clear and complete information about available support measures, including those targeted at vulnerable customers, such as temporary income support mechanism, support for energy efficiency measures, building renovations, alternative renewables-based heating and cooling systems and access to renewable energy production, self-consumption, sale and storage.***		*Cannot follow EP amendment : not implementable in larger, decentralised and/or federal MS ; keep in line with wording of Elecctricity Directive*

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
455b		***Member States shall ensure that final customers are informed about where to find the national single point of contact.***		
455c		***Member States shall ensure that information on certified comparison tools are provided to customers through the national single point of contact. Member States shall also ensure the access to at least one accessible comparison tool to customers that request it, including those with no internet access.***		
Article 24				
456	Article 24 Right to out-of-court dispute settlement	Article 24 ▌Out-of-court dispute settlement	Article 24 Right to out-of-court dispute settlement	
Article 24(1)				
457	1. Member States shall ensure that final customers have access to simple, fair, transparent,	1. Member States shall ensure that final customers have access to simple, fair, transparent,	1. Member States shall ensure that final customers have access to simple, fair, **reasonable,**	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	independent, effective and efficient out-of-court mechanisms for the settlement of disputes concerning rights and obligations established under this Directive, through an independent mechanism such as an energy ombudsman or a consumer body, or through a regulatory authority. Where the final customer is a consumer within the meaning of Directive 2013/11/EU of the European Parliament and of the Council[23], such out-of-court dispute settlement mechanisms shall comply with the quality requirements of that Directive and shall provide, where warranted, for systems of reimbursement and compensation.	independent, effective and efficient out-of-court mechanisms for the settlement of disputes concerning rights and obligations established under this Directive, through an independent mechanism such as an energy ombudsman or a consumer body, or through a regulatory authority. Where the final customer is a consumer within the meaning of Directive 2013/11/EU of the European Parliament and of the ***Council23***, such out-of-court dispute settlement mechanisms shall comply with the quality requirements of that Directive and shall provide, where warranted, for systems of reimbursement and compensation.	transparent, independent, ~~effective~~**cost-effective** and efficient out-of-court mechanisms for the settlement of disputes concerning rights and obligations established under this Directive, through an independent mechanism such as an energy ombudsman or a consumer body, or through a regulatory authority. Where the final customer is a consumer within the meaning of Directive 2013/11/EU of the European Parliament and of the Council[23], such out-of-court dispute settlement mechanisms shall comply with the quality requirements of that Directive and shall provide, where warranted, for systems of reimbursement and compensation.	
Article 24(2)				
458	2. Where necessary, Member States shall ensure that alternative dispute resolution entities cooperate to provide simple, fair, transparent, independent, effective and efficient out-of-court dispute settlement mechanisms for any dispute that arises from products or services that are tied to, or	2. Where necessary, Member States shall ensure that alternative dispute resolution entities cooperate to provide simple, fair, transparent, independent, effective and efficient out-of-court dispute settlement mechanisms for any dispute that arises from products or services that are tied to, or	2. Where necessary, Member States shall ensure that alternative dispute resolution entities cooperate to provide simple, fair, transparent, independent, effective and efficient out-of-court dispute settlement mechanisms for any dispute that arises from products or services that are tied to, or	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	bundled with, any product or service falling under the scope of this Directive.	bundled with, any product or service falling under the scope of this Directive.	bundled with, any product or service falling under the scope of this Directive.	
Article 24(3)				
459	3. The participation of gas undertakings in out-of-court dispute settlement mechanisms for household customers shall be mandatory unless the Member State concerned demonstrates to the Commission that other mechanisms are equally effective.	3. The participation of gas undertakings in out-of-court dispute settlement mechanisms for household customers shall be mandatory unless the Member State concerned demonstrates to the Commission that other mechanisms are equally effective.	3. The participation of gas undertakings in out-of-court dispute settlement mechanisms for household customers shall be mandatory unless the Member State concerned demonstrates to the Commission that other mechanisms are equally effective.	
459a		***3a. Member States shall regularly assess the functioning of their out-of-court dispute settlement mechanisms, in particular with regard to the participation and compliance of energy service providers, intermediaries and distribution system operators.***		
Article 25				
460	Article 25	Article 25	Article 25	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Protection of vulnerable customers and suppliers of last resort	Protection of vulnerable customers and ***customers affected by or at risk of energy poverty and*** suppliers of last resort	Protection of vulnerable customers and suppliers of last resort	
Article 25, first paragraph				
461	Member States shall take appropriate measures to protect final customers, and shall, in particular, ensure that there are adequate safeguards to protect vulnerable customers. In this context, each Member State shall define the concept of vulnerable customers which may refer to energy poverty. Measures to protect vulnerable customers may include, inter alia, to the prohibition of disconnection to such customers in critical times.	Member States shall ▌ protect final customers, and shall, in particular, ensure that there are adequate safeguards to protect vulnerable customers ***and customers affected by or at risk of energy poverty***. In this context, ***the term vulnerable customers is defined pursuant to Article 28 of Directive (EU) 2019/944.*** Member ***States*** shall ***refer to the definition of energy poverty in Directive (EU) .../...[+] for the purpose of adopting a comparable definition of*** customers ***affected by or at risk of*** energy poverty. ***For the purpose of implementing the concept of energy poverty, Member States shall take into account the indicators and guidance set out in the Commission Recommendation on Energy Poverty and at least the following, namely the proportion of people whose:***	**1.** Member States shall take appropriate measures to protect final customers, and shall, in particular, ensure that there are adequate safeguards to protect vulnerable customers. In this context, each Member State shall define the concept of vulnerable customers which may refer to energy poverty. **Criteria for the definition of the concept of vulnerable customers may include income levels, the share of energy expenditure of disposable income, the energy efficiency of homes, critical dependence on gas equipment for health reasons, age or other criteria.** Measures to protect vulnerable customers may include, inter alia, ~~to~~ the prohibition of disconnection ~~to~~ **of** such customers in critical times.	*Maintain Council version. (which reflects existing general concept as in Electricity Dir.*)

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		_____ *+. OJ: Please insert in the text the number of the Directive contained in document PE-CONS .../... (2021/0203(COD)).*		
461a		***(a) share of energy costs in proportion to their disposable income, after deducting housing costs, is more than double the national median share;***		
461b		***(b) share of disposable income spent on energy services is above the national median and the disposable income after energy and housing costs is equal to or below the "risk of poverty" threshold;***		
461c		***(c) absolute energy expenditure is lower than half of the national median energy expenditure.***		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
461d		***Measures to address energy poverty and to protect vulnerable customers and customers affected by or at risk of energy poverty may include support to ensure the necessary energy supply, to deploy renewable energy and improve energy efficiency, including building renovations, to sustainably overcome vulnerability and energy poverty. Measures may also include, inter alia, the prohibition of disconnection to such customers in critical times, and in any event during the winter.***		
Article 25, second paragraph				
462	In particular, Member States shall take appropriate measures to protect final customers in remote areas who are connected to the natural gas or hydrogen systems. Member States may appoint a supplier of last resort for household customers, and, where Member States deem it to be appropriate, small enterprises connected to the natural gas or hydrogen systems. They shall ensure high levels of consumer	In particular, Member States shall take appropriate measures to protect final customers in remote areas who are ***already*** connected to the natural gas ***system*** or hydrogen ***system***. Member States ***shall*** appoint a supplier of last resort for household customers, and, where Member States deem it to be appropriate, small enterprises connected to the natural gas or hydrogen systems. ***Member States*** shall ***take appropriate measures***	**2.** In particular, Member States shall take appropriate measures to protect final customers in remote areas who are connected to the natural gas or hydrogen systems. Member States may appoint a supplier of last resort for household customers, and, where Member States deem it to be appropriate, small enterprises **and microenterprises** connected to the natural gas or hydrogen systems. ~~They~~**Member States**	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	protection, particularly with respect to transparency regarding contractual terms and conditions, general information and dispute settlement mechanisms.	***where vulnerable customers or customers affected by or at risk of energy poverty are unable to pay the supplier of last resort. Member States shall ensure*** consumer protection, ***in particular*** with respect to transparency regarding contractual terms and conditions, general information and dispute settlement mechanisms.	shall ensure high levels of consumer protection, particularly with respect to transparency regarding contractual terms and conditions, **and competitive, transparent and non-discriminatory prices**, general information and dispute settlement mechanisms.	
462a		***For final customers who are vulnerable or affected by or at risk of energy poverty, including those who are not connected to the natural gas or hydrogen systems, Member States shall, without delay, adopt measures to ensure their energy security, prioritising the most energy efficient and sustainable options.***		
462b		***The measures laid down in this Article shall not impede the effective opening of the market set out in Article 4 or market functioning. Member States shall***		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		notify the measures adopted to implement this Article to the Commission, where relevant, in accordance with Article 5. Such notifications may include measures taken within the general social security system.		
462c		***Article 25a*** ***Energy poverty and energy security monitoring***		
462d		***Without prejudice to the reporting framework set out in Regulation (EU) 2018/1999, the Commission shall, by ... [two years after the date of entry into force of this Directive] and every two years thereafter, adopt and make publicly available a report mapping the level of energy poverty and risk of energy poverty in each Member State and per NUTS3 level.***		Cannot support EP amendment : When referring to energy poverty it shoud be done with reference to the existing general concepts (as in EMD). The creation of a concept only relevant in the context of this Directive shoud be avoided. Avoid additional reporting on top of an already existing reporting framework.
462e				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		The report shall include at least the following elements:		
462f		***(a) an assessment of the situation and developments of energy prices in the Union and in the Member States and the impact on households affected by or at risk of energy poverty and on how energy prices impact their energy security, including an assessment of whether changes in retail energy prices are due to an ineffective implementation of this Directive and of the lack of adequate market conditions, including insufficient competition between suppliers or anti-competitive conducts;***		
462g		***(b) an assessment of the underlying conditions for the emergence of energy poverty, including an assessment of whether energy poverty is due to lack of infrastructure capacity, income situations or housing conditions;***		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
462h		***(c) a detailed mapping of social instruments and measures implemented in Member States to address energy poverty including measures referred to in Article 25.***		
462i		***The Commission shall use, inter alia, the criteria set out in Article 25, in addition to the indicators and guidance illustrated in the Commission Recommendation on energy poverty, to identify and report on the number of households that are affected by or at risk of energy poverty.***		
Chapter IV				
463	Chapter IV Third party access to infrastructure	Chapter IV Third party access to infrastructure	Chapter IV Third party access to infrastructure	
Section I				
464				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Section I Access to natural gas infrastructure	Section I Access to natural gas infrastructure	Section I Access to natural gas infrastructure	
Article 26				
465	Article 26 Market access for renewable and low carbon gases	Article 26 Market access for renewable ***gas and low-carbon gas***	Article 26 Market access for renewable and low carbon gases	
Article 26, first paragraph				
466	Member States shall enable the access of renewable and low carbon gases to the market and infrastructure regardless whether the renewable and low carbon gases production facilities are connected to distribution or transmission networks.	Member States shall enable the access of renewable ***gas and low-carbon gas*** to the market and infrastructure regardless whether the renewable ***gas and low-carbon gas*** production facilities are connected to distribution or transmission networks***, provided that such access is considered to be beneficial in line with the ten-year network development plan referred to in Article 52***.	Member States shall enable the access of renewable and low carbon gases to the market and infrastructure regardless whether the renewable and low carbon gases production facilities are connected to distribution or transmission networks.	
Article 27				
467	Article 27 Third-party access to natural gas distribution and transmission and LNG terminals	Article 27 Third-party access to natural gas distribution and transmission and LNG terminals	Article 27 Third-party access to natural gas distribution and transmission and LNG terminals	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 27(1)				
468	1. Member States shall ensure the implementation of a system of third party access to the transmission and distribution system, and LNG facilities based on published tariffs, applicable to all customers, including supply undertakings, and applied objectively and without discrimination between system users. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72 by a regulatory authority referred to in Article 70 and that those tariffs — and the methodologies, where only methodologies are approved — are published prior to their entry into force. Tariff discounts can be granted only if so provided by Union legislation.	1. Member States shall ensure the implementation of a system of third party access to the transmission and distribution system, and LNG facilities based on published tariffs, applicable to all customers, including supply undertakings, and applied objectively and without discrimination between system users. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72 by a regulatory authority referred to in Article 70 and that those tariffs — and the methodologies, where only methodologies are approved — are published prior to their entry into force. ▌	1. Member States shall ensure the implementation of a system of third party access to the transmission and distribution system, and LNG facilities based on published tariffs, applicable to all customers, including supply undertakings, and applied objectively and without discrimination between system users. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72 by a regulatory authority referred to in Article 70 and that those tariffs — and the methodologies, where only methodologies are approved — are published prior to their entry into force. Tariff discounts ~~can~~ **may** be granted only if so provided by Union legislation.	
468a			**2. Transmission system operators shall, if necessary for the purpose of carrying out their functions including in relation to**	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			cross-border transmission, have access to the network of other transmission system operators.	
Article 27(2)				
469	2. The provisions of this Directive shall not prevent the conclusion of long-term contracts for renewable and low carbon gases in so far as they comply with Union competition rules and contribute to decarbonisation. No long-term contracts for supply of unabated fossil gas shall be concluded with a duration beyond the end of year 2049.	2. The provisions of this Directive shall not prevent the conclusion of long-term contracts for renewable ***gas and low-carbon gas*** in so far as they comply with Union competition rules and contribute to decarbonisation. No long-term contracts for supply of unabated fossil gas shall be concluded with a duration beyond the end of year 2049. ***The end-date may be revised in order to align with relevant changes in the Union's energy and climate objectives, taking into account the security of supply and without prejudice to long-term contracts that have been concluded.***	~~2~~**3**. The provisions of this Directive shall not prevent the conclusion of long-term contracts for renewable and low carbon gases in so far as they comply with Union competition rules and contribute to decarbonisation. No long-term contracts for **the** supply of unabated fossil gas shall be concluded with a duration beyond the end of year 2049 .	
Article 27(3)				
470	3. This Article shall also apply to citizen energy communities that manage distribution networks.	3. ▌	~~3~~**4**. This Article shall also apply to citizen energy communities that manage distribution networks.	
Article 28				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
471	Article 28 Access to upstream natural gas pipeline networks	Article 28 Access to upstream natural gas pipeline networks	Article 28 Access to upstream natural gas pipeline networks	
Article 28(1)				
472	1. Member States shall take the necessary measures to ensure that natural gas undertakings and eligible customers, wherever they are located, are able to obtain access to upstream pipeline networks, including facilities supplying technical services incidental to such access, in accordance with this Article, except for the parts of such networks and facilities which are used for local production operations at the site of a field where the gas is produced. The measures shall be notified to the Commission in accordance with the provisions of Article 88.	1. Member States shall take the necessary measures to ensure that natural gas undertakings and eligible customers, wherever they are located, are able to obtain access to upstream pipeline networks, including facilities supplying technical services incidental to such access, in accordance with this Article, except for the parts of such networks and facilities which are used for local production operations at the site of a field where the gas is produced. The measures shall be notified to the Commission in accordance with the provisions of Article 88.	1. Member States shall take the necessary measures to ensure that natural gas undertakings and eligible customers, wherever they are located, are able to obtain access to upstream pipeline networks, including facilities supplying technical services incidental to such access, in accordance with this Article, except for the parts of such networks and facilities which are used for local production operations at the site of a field where the gas is produced. The measures shall be notified to the Commission in accordance with the provisions of Article 88.	
Article 28(2)				
473	2. The access referred to in paragraph 1 shall be provided in a manner determined by the Member State in accordance with	2. The access referred to in paragraph 1 shall be provided in a manner determined by the Member State in accordance with	2. The access referred to in paragraph 1 shall be provided in a manner determined by the Member State in accordance with	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the relevant legal instruments. Member States shall apply the objectives of fair and open access, achieving a competitive market in natural gas and avoiding any abuse of a dominant position, taking into account security and regularity of supplies, capacity which is or can reasonably be made available, and environmental protection. The following needs may be taken into account:	the relevant legal instruments. Member States shall apply the objectives of fair and open access, achieving a competitive market in natural gas and avoiding any abuse of a dominant position, taking into account security and regularity of supplies, capacity which is or can reasonably be made available, and environmental protection. The following needs may be taken into account:	the relevant legal instruments. Member States shall apply the objectives of fair and open access, achieving a competitive market in natural gas and avoiding any abuse of a dominant position, taking into account security and regularity of supplies, capacity which is or can reasonably be made available, and environmental protection. The following needs may be taken into account:	
Article 28(2), point (a)				
474	(a) the need to refuse access where there is an incompatibility of technical specifications which cannot reasonably be overcome;	(a) the need to refuse access where there is an incompatibility of technical specifications which cannot reasonably be overcome;	(a) the need to refuse access where there is an incompatibility of technical specifications which cannot reasonably be overcome;	
Article 28(2), point (b)				
475	(b) the need to avoid difficulties which cannot reasonably be overcome and could prejudice the efficient, current and planned future production of hydrocarbons, including that from fields of marginal economic viability;	(b) the need to avoid difficulties which cannot reasonably be overcome and could prejudice the efficient, current and planned future production of hydrocarbons, including that from fields of marginal economic viability;	(b) the need to avoid difficulties which cannot reasonably be overcome and could prejudice the efficient, current and planned future production of hydrocarbons, including that from fields of marginal economic viability;	
Article 28(2), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
476	(c) the need to respect the duly substantiated reasonable needs of the owner or operator of the upstream pipeline network for the transport and processing of gas and the interests of all other users of the upstream pipeline network or relevant processing or handling facilities who may be affected; and	(c) the need to respect the duly substantiated reasonable needs of the owner or operator of the upstream pipeline network for the transport and processing of gas and the interests of all other users of the upstream pipeline network or relevant processing or handling facilities who may be affected; and	(c) the need to respect the duly substantiated reasonable needs of the owner or operator of the upstream pipeline network for the transport and processing of gas and the interests of all other users of the upstream pipeline network or relevant processing or handling facilities who may be affected; and	
Article 28(2), point (d)				
477	(d) the need to apply their laws and administrative procedures, in conformity with Union law, for the grant of authorisation for production or upstream development.	(d) the need to apply their laws and administrative procedures, in conformity with Union law, for the grant of authorisation for production or upstream development.	(d) the need to apply their laws and administrative procedures, in conformity with Union law, for the grant of authorisation for production or upstream development.	
Article 28(3)				
478	3. Member States shall ensure that they have in place dispute-settlement arrangements, including an authority independent of the parties with access to all relevant information, to enable disputes relating to access to upstream pipeline networks to be settled expeditiously, taking into account the criteria in paragraph 2 and the	3. Member States shall ensure that they have in place dispute-settlement arrangements, including an authority independent of the parties with access to all relevant information, to enable disputes relating to access to upstream pipeline networks to be settled expeditiously, taking into account the criteria in paragraph 2 and the	3. Member States shall ensure that they have in place dispute-settlement arrangements, including an authority independent of the parties with access to all relevant information, to enable disputes relating to access to upstream pipeline networks to be settled expeditiously, taking into account the criteria in paragraph 2 and the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	number of parties which may be involved in negotiating access to such networks.	number of parties which may be involved in negotiating access to such networks.	number of parties which may be involved in negotiating access to such networks.	
Article 28(4)				
479	4. In the event of cross-border disputes, the dispute-settlement arrangements for the Member State having jurisdiction over the upstream pipeline network which refuses access shall be applied. Where, in cross-border disputes, more than one Member State covers the network concerned, the Member States concerned shall consult each other with a view to ensuring that the provisions of this Directive are applied consistently. Where the upstream pipeline network originates from a third country and connects to at least one Member State, the Member States concerned shall consult each other and the Member State where the first entry point to the Member States' network is located shall consult the third country concerned where the upstream pipeline network originates, with a view to ensuring, as regards the network concerned, that this	4. In the event of cross-border disputes, the dispute-settlement arrangements for the Member State having jurisdiction over the upstream pipeline network which refuses access shall be applied. Where, in cross-border disputes, more than one Member State covers the network concerned, the Member States concerned shall consult each other with a view to ensuring that the provisions of this Directive are applied consistently. Where the upstream pipeline network originates from a third country and connects to at least one Member State, the Member States concerned shall consult each other and the Member State where the first entry point to the Member States' network is located shall consult the third country concerned where the upstream pipeline network originates, with a view to ensuring, as regards the network concerned, that this	4. In the event of cross-border disputes, the dispute-settlement arrangements for the Member State having jurisdiction over the upstream pipeline network which refuses access shall be applied. Where, in cross-border disputes, more than one Member State covers the network concerned, the Member States concerned shall consult each other with a view to ensuring that the provisions of this Directive are applied consistently. Where the upstream pipeline network originates from a third country and connects to at least one Member State, the Member States concerned shall consult each other and the Member State where the first entry point to the Member States' network is located shall consult the third country concerned where the upstream pipeline network originates, with a view to ensuring, as regards the network concerned, that this	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Directive is applied consistently in the territory of the Member States.	Directive is applied consistently in the territory of the Member States.	Directive is applied consistently in the territory of the Member States.	
Article 29				
480	Article 29 Access to storage of natural gas	Article 29 Access to storage of natural gas	Article 29 Access to storage of natural gas	
Article 29(1), first subparagraph				
481	1. For the organisation of access to storage facilities and linepack when technically or economically necessary for providing efficient access to the system for the supply of customers, as well as for the organisation of access to ancillary services, Member States may choose either or both of the procedures referred to in paragraphs 3 and 4. Those procedures shall operate in accordance with objective, transparent and non-discriminatory criteria.	1. For the organisation of access to storage facilities and linepack when technically or economically necessary for providing efficient access to the system for the supply of customers, as well as for the organisation of access to ancillary services, Member States may choose either or both of the procedures referred to in paragraphs 3 and 4. Those procedures shall operate in accordance with objective, transparent and non-discriminatory criteria.	1. For the organisation of access to storage facilities and linepack when technically or economically necessary for providing efficient access to the system for the supply of customers, as well as for the organisation of access to ancillary services, Member States may choose either or both of the procedures referred to in paragraphs 3 and 4. Those procedures shall operate in accordance with objective, transparent and non-discriminatory criteria.	
Article 29(1), second subparagraph				
482	When choosing the procedure for access to storage under this Article, Member States shall take	When choosing the procedure for access to storage under this Article, Member States shall take	When choosing the procedure for access to storage under this Article, Member States shall take	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	into account the results of the common and national risk assessments carried out under Article 7 of Regulation (EU) 2017/1938.	into account the results of the common and national risk assessments carried out under Article 7 of Regulation (EU) 2017/1938.	into account the results of the common and national risk assessments carried out under Article 7 of Regulation (EU) 2017/1938.	
Article 29(1), third subparagraph				
483	The regulatory authorities shall define and publish criteria according to which the access regime applicable to storage facilities and linepack may be determined. They shall make public, or oblige storage and transmission system operators to make public, which storage facilities, or which parts of those storage facilities, and which linepack is offered under the different procedures referred to in paragraphs 3 and 4.	The regulatory authorities shall define and publish criteria according to which the access regime applicable to storage facilities and linepack may be determined. They shall make public, or oblige storage and transmission system operators to make public, which storage facilities, or which parts of those storage facilities, and which linepack is offered under the different procedures referred to in paragraphs 3 and 4.	The regulatory authorities shall define and publish criteria according to which the access regime applicable to storage facilities and linepack may be determined. They shall make public, or oblige storage and transmission system operators to make public, which storage facilities, or which parts of those storage facilities, and which linepack is offered under the different procedures referred to in paragraphs 3 and 4.	
Article 29(2)				
484	2. Paragraph 1 shall not apply to ancillary services and temporary storage that are related to LNG facilities and are necessary for the re-gasification process and subsequent delivery to the transmission system.	2. Paragraph 1 shall not apply to ancillary services and temporary storage that are related to LNG facilities and are necessary for the re-gasification process and subsequent delivery to the transmission system.	2. Paragraph 1 shall not apply to ancillary services and temporary storage that are related to LNG facilities and are necessary for the re-gasification process and subsequent delivery to the transmission system.	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 29(3), first subparagraph				
485	3. In the case of negotiated access,, the regulatory authorities shall take the necessary measures for undertakings and eligible customers either inside or outside the territory covered by the interconnected system to be able to negotiate access to storage facilities and linepack, when technically and/or economically necessary for providing efficient access to the system, as well as for the organisation of access to other ancillary services. The parties shall be obliged to negotiate access to storage, linepack and other ancillary services in good faith.	3. In the case of negotiated access,, the regulatory authorities shall take the necessary measures for undertakings and eligible customers either inside or outside the territory covered by the interconnected system to be able to negotiate access to storage facilities and linepack, when technically and/or economically necessary for providing efficient access to the system, as well as for the organisation of access to other ancillary services. The parties shall be obliged to negotiate access to storage, linepack and other ancillary services in good faith.	3. In the case of negotiated access,~~,~~ the regulatory authorities shall take the necessary measures for undertakings and eligible customers either inside or outside the territory covered by the interconnected system to be able to negotiate access to storage facilities and linepack, when technically and/or economically necessary for providing efficient access to the system, as well as for the organisation of access to other ancillary services. The parties shall be obliged to negotiate access to storage, linepack and other ancillary services in good faith.	
Article 29(3), second subparagraph				
486	Contracts for access to storage, linepack and other ancillary services shall be negotiated with the relevant storage system operator. The regulatory authorities shall require storage system operators and natural gas undertakings to publish their main	Contracts for access to storage, linepack and other ancillary services shall be negotiated with the relevant storage system operator. The regulatory authorities shall require storage system operators and natural gas undertakings to publish their main	Contracts for access to storage, linepack and other ancillary services shall be negotiated with the relevant storage system operator. The regulatory authorities shall require storage system operators and natural gas undertakings to publish their main	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	commercial conditions for the use of storage, linepack and other ancillary services on an annual basis.	commercial conditions for the use of storage, linepack and other ancillary services on an annual basis.	commercial conditions for the use of storage, linepack and other ancillary services on an annual basis.	
Article 29(3), third subparagraph				
487	When developing those conditions, storage operators shall consult system users.	When developing those conditions, storage operators shall consult system users.	When developing those conditions, storage operators shall consult system users.	
Article 29(4)				
488	4. In the case of regulated access, the regulatory authorities shall take the necessary measures to give natural gas undertakings and eligible customers either inside or outside the territory covered by the interconnected system a right to access to storage, linepack and other ancillary services, on the basis of published tariffs or other terms and obligations for use of that storage and linepack, when technically or economically necessary for providing efficient access to the system, as well as for the organisation of access to other ancillary services. The regulatory authorities shall consult system users when developing those	4. In the case of regulated access, the regulatory authorities shall take the necessary measures to give natural gas undertakings and eligible customers either inside or outside the territory covered by the interconnected system a right to access to storage, linepack and other ancillary services, on the basis of published tariffs or other terms and obligations for use of that storage and linepack, when technically or economically necessary for providing efficient access to the system, as well as for the organisation of access to other ancillary services. The regulatory authorities shall consult system users when developing those	4. In the case of regulated access, the regulatory authorities shall take the necessary measures to give natural gas undertakings and eligible customers either inside or outside the territory covered by the interconnected system a right to access to storage, linepack and other ancillary services, on the basis of published tariffs or other terms and obligations for use of that storage and linepack, when technically or economically necessary for providing efficient access to the system, as well as for the organisation of access to other ancillary services. The regulatory authorities shall consult system users when developing those	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	tariffs or the methodologies for those tariffs. The right of access for eligible customers may be given by enabling them to enter into supply contracts with competing undertakings other than the owner or operator of the system or a related undertaking.	tariffs or the methodologies for those tariffs. The right of access for eligible customers may be given by enabling them to enter into supply contracts with competing undertakings other than the owner or operator of the system or a related undertaking.	tariffs or the methodologies for those tariffs. The right of access for eligible customers may be given by enabling them to enter into supply contracts with competing undertakings other than the owner or operator of the system or a related undertaking.	
Article 30				
489	Article 30 Direct lines for natural gas	Article 30 Direct lines for natural gas	Article 30 Direct lines for natural gas	
Article 30(1)				
490	1. Member States shall take the necessary measures to enable:	1. Member States shall take the necessary measures to enable:	1. Member States shall take the necessary measures to enable:	
Article 30(1), point (a)				
491	(a) undertakings established within their territory to supply the eligible customers through a direct line; and	(a) undertakings established within their territory to supply the eligible customers through a direct line; and	(a) undertakings established within their territory to supply the eligible customers through a direct line; and	
Article 30(1), point (b)				
492	(b) any such customer within their territory to be supplied through a	(b) any such customer within their territory to be supplied through a	(b) any such customer within their territory to be supplied through a	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	direct line by natural gas undertakings.	direct line by natural gas undertakings.	direct line by natural gas undertakings.	
Article 30(2)				
493	2. In circumstances where an authorisation for example, licence, permission, concession, consent or approval is required for the construction or operation of direct lines, the Member States or any competent authority they designate shall lay down the criteria for the grant of authorisations for the construction or operation of such lines in their territory. Those criteria shall be objective, transparent and non-discriminatory.	2. In circumstances where an authorisation for example, licence, permission, concession, consent or approval is required for the construction or operation of direct lines, the Member States or any competent authority they designate shall lay down the criteria for the grant of authorisations for the construction or operation of such lines in their territory. Those criteria shall be objective, transparent and non-discriminatory.	2. In circumstances where an authorisation for example, licence, permission, concession, consent or approval is required for the construction or operation of direct lines, the Member States or any competent authority they designate shall lay down the criteria for the grant of authorisations for the construction or operation of such lines in their territory. Those criteria shall be objective, transparent and non-discriminatory.	
Article 30(3)				
494	3. Member States may issue an authorisation to construct a direct line subject either to the refusal of system access on the basis of Article 34 or to the opening of a dispute-settlement procedure under Article 73.	3. Member States may issue an authorisation to construct a direct line subject either to the refusal of system access on the basis of Article 34 or to the opening of a dispute-settlement procedure under Article 73.	3. Member States may issue an authorisation to construct a direct line subject either to the refusal of system access on the basis of Article 34 or to the opening of a dispute-settlement procedure under Article 73.	
Section II				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
495	Section II Access to hydrogen infrastructure	Section II Access to hydrogen infrastructure	Section II Access to hydrogen infrastructure	
Article 31				
496	Article 31 Third-party access to hydrogen networks	Article 31 Third-party access to hydrogen networks	Article 31 Third-party access to hydrogen networks	
Article 31(1)				
497	1. Member States shall ensure the implementation of a system of regulated third party access to hydrogen networks based on published tariffs and applied objectively and without discrimination between any hydrogen network users.	1. Member States shall ensure the implementation of a system of regulated third party access to hydrogen networks based on published tariffs and applied objectively and without discrimination between any hydrogen network users. ***In the event that there is less capacity than potential users, network operators shall, in cooperation with both relevant regulatory authorities and potential users, give priority access to users who can demonstrate the highest potential of greenhouse gas abatement per tonne of consumed hydrogen and where no other, more energy and cost efficient, options are available. This***	1. Member States shall ensure the implementation of a system of regulated third party access to hydrogen networks based on published tariffs and applied objectively and without discrimination between any hydrogen network users.	*Reject amendment : While the aim prioritisation in the EP amendment may be understandable, this would operationally imply a massive market intervention, fundamental change of market mechanisms and impose a near-impossible burden on system operators*

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		paragraph shall not apply to cases in which access to the hydrogen network has already been granted.		
Article 31(2)				
498	2. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72 by a regulatory authority referred to in Article 70 and that those tariffs — and the methodologies, where only methodologies are approved — are published prior to their entry into force.	2. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72 by a regulatory authority referred to in Article 70 and that those tariffs — and the methodologies, where only methodologies are approved — are published prior to their entry into force.	2. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72 by a regulatory authority referred to in Article 70 and that those tariffs — and the methodologies, where only methodologies are approved — are published prior to their entry into force.	
Article 31(3)				
499	3. Hydrogen network operators shall, where necessary for the purpose of carrying out their functions, including in relation to cross-border network transport of hydrogen, have access to the network of other hydrogen network operators.	3. Hydrogen network operators shall, where necessary for the purpose of carrying out their functions, including in relation to cross-border network transport of hydrogen, have access to the network of other hydrogen network operators.	3. Hydrogen network operators shall, where necessary for the purpose of carrying out their functions, including in relation to cross-border network transport of hydrogen, have access to the network of other hydrogen network operators.	
Article 31(4)				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
500	4. Until 31 December 2030, a Member State may decide not to apply paragraph 1. In such case, the Member State shall ensure the implementation of a system of negotiated third party access to hydrogen networks in accordance with objective, transparent and non-discriminatory criteria. The regulatory authorities shall take the necessary measures for hydrogen network users to be able to negotiate access to hydrogen networks. The parties shall be obliged to negotiate access to hydrogen networks in good faith.	4. Until 31 December 2030, a Member State may decide not to apply paragraph 1. In such case, the Member State shall ensure the implementation of a system of negotiated third party access to hydrogen networks in accordance with objective, transparent and non-discriminatory criteria. The regulatory authorities shall take the necessary measures for hydrogen network users to be able to negotiate access to hydrogen networks. The parties shall be obliged to negotiate access to hydrogen networks in good faith.	4. Until 31 December ~~2030~~**[2035]**, a Member State may decide not to apply paragraph 1. In such case, the Member State shall ensure the implementation of a system of negotiated third party access to hydrogen networks in accordance with objective, transparent and non-discriminatory criteria. The regulatory authorities shall take the necessary measures for hydrogen network users to be able to negotiate access to hydrogen networks~~.~~ **and to ensure that** the parties ~~shall be~~ **are** obliged to negotiate access to hydrogen networks in good faith.	
Article 31(5)				
501	5. Where negotiated access is used, regulatory authorities shall provide guidance to hydrogen network users on how negotiated tariffs will be affected when regulated third party access is introduced.	5. Where negotiated access is used, regulatory authorities shall provide guidance to hydrogen network users on how negotiated tariffs will be affected when regulated third party access is introduced.	5. Where negotiated access **as referred to in paragraph 4** is used, regulatory authorities shall provide guidance to hydrogen network users on how negotiated tariffs will be affected when regulated third party access is introduced.	
Article 32				
502				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 32 Third-party access to hydrogen terminals	Article 32 Third-party access to hydrogen terminals	Article 32 Third-party access to hydrogen terminals	
Article 32(1)				
503	1. Member States shall ensure the implementation of a system of third party access to hydrogen terminals based on negotiated access in an objective, transparent and non-discriminatory manner, whereby the regulatory authorities shall take the necessary measures for hydrogen terminal users to be able to negotiate access to such terminals. The parties shall be obliged to negotiate access in good faith.	1. Member States shall ensure the implementation of a system of third party access to hydrogen terminals based on negotiated access in an objective, transparent and non-discriminatory manner, whereby the regulatory authorities shall take the necessary measures for hydrogen terminal users to be able to negotiate access to such terminals. The parties shall be obliged to negotiate access in good faith.	1. Member States shall ensure the implementation of a system of third party access to hydrogen terminals based on negotiated access in an objective, transparent and non-discriminatory manner, whereby the regulatory authorities shall take the necessary measures for hydrogen terminal users to be able to negotiate access to such terminals. The parties shall be obliged to negotiate access in good faith. **Member States may also decide to apply a regulated third party access to hydrogen terminals.**	
Article 32(2)				
504	2. Regulatory authorities shall monitor conditions for third party access to hydrogen terminals and their impact on hydrogen markets and, where necessary in order to safeguard competition, take measures to improve access in line	2. Regulatory authorities shall monitor conditions for third party access to hydrogen terminals and their impact on hydrogen markets and, where necessary in order to safeguard competition, take measures to improve access in line	2. Regulatory authorities shall monitor conditions for third party access to hydrogen terminals and their impact on hydrogen markets and, where necessary in order to safeguard competition, take measures to improve access in line	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	with the criteria set out in paragraph 1.	with the criteria set out in paragraph 1.	with the criteria set out in paragraph 1.	
Article 33				
505	Article 33 Access to hydrogen storage	Article 33 Access to hydrogen storage	Article 33 Access to hydrogen storage	
Article 33, first paragraph				
506	Member States shall ensure the implementation of a system of regulated third party access to hydrogen storage, and line pack when technically and/or economically necessary for providing efficient access to the system for the supply of customers, as well as for the organisation of access to ancillary services, based on published tariffs and applied objectively and without discrimination between any hydrogen system users. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72 by the regulatory authority.	Member States shall ensure the implementation of a system of regulated third party access to hydrogen storage, and line pack when technically and/or economically necessary for providing efficient access to the system for the supply of customers, as well as for the organisation of access to ancillary services, based on published tariffs and applied objectively and without discrimination between any hydrogen system users. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72 by the regulatory authority.	**1.** Member States shall ensure the implementation of a system of ~~regulated~~ third party access to hydrogen storage~~, and line pack~~ **and,** when technically ~~and/or~~**and** economically necessary for providing efficient access to the system for the supply of customers, **access to line pack,** as well as for the organisation of access to ancillary services~~,~~ based on ~~published tariffs and applied objectively and without discrimination between any hydrogen system users. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force~~**negotiated access in an objective, transparent and non-discriminatory manner, or a**	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			system of regulated third party access in accordance with ~~Article 72 by the regulatory authority.~~**paragraph 2.**	
506a			**2. As from 1 January 2036, Member States shall ensure the implementation of a system of regulated third party access to hydrogen storage, and when technically or economically necessary for providing efficient access to the system for the supply of customers, of access to line pack, as well as for the organisation of access to ancillary services, based on published tariffs and applied objectively and without discrimination between any hydrogen system users. Member States shall ensure that those tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72 by the regulatory authority.**	
Section III				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
507	Section III REFUSAL OF ACCESS AND CONNECTION	Section III REFUSAL OF ACCESS AND CONNECTION	Section III REFUSAL OF ACCESS AND CONNECTION	
Article 34				
508	Article 34 Refusal of access and connection	Article 34 Refusal of access and connection	Article 34 Refusal of access and connection	
Article 34(1)				
509	1. Natural gas and hydrogen undertakings may refuse access or connection to the natural gas or hydrogen system on the basis of lack of capacity. Duly substantiated reasons shall be given for any such a refusal.	1. Natural gas and hydrogen undertakings may refuse access or connection to the natural gas or hydrogen system on the basis of lack of capacity ***or grade of purity***. Duly substantiated reasons shall be given for any such a refusal.	1. ~~Natural gas~~**Transmission system operators and distribution system operators** and hydrogen undertakings may refuse access or connection to the natural gas or hydrogen system on the basis of lack of capacity. ~~Duly substantiated reasons shall be given for any such a refusal.~~	
Article 34(2)				
510	2. Taking into account national and Union decarbonisation objectives, Member States shall take appropriate measures to ensure that the natural gas or hydrogen undertaking refusing access or connection to the natural gas system or hydrogen system on	2. Taking into account national and Union ***energy and climate*** objectives ***and existing requirements to reduce or switch from fossil gas consumption***, Member States shall***, without delay,*** take appropriate measures to ensure that the natural gas or	2. ~~Taking into account~~ **Without prejudice to** national and Union decarbonisation objectives, Member States shall take appropriate measures to ensure that the ~~natural gas~~**transmisssion system operator, distribution system operator** or hydrogen	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the basis of lack of capacity or a lack of connection makes the necessary enhancements as far as it is economic to do so or when a potential customer is willing to pay for them.	hydrogen undertaking refusing access or connection to the natural gas system or hydrogen system on the basis of lack of capacity or a lack of connection makes the necessary enhancements as far as it is economic to do so or when a potential customer is willing to pay for them.	undertaking refusing access or connection to the natural gas system or hydrogen system on the basis of lack of capacity or a lack of connection makes the necessary enhancements as far as it is economic to do so or when a potential customer is willing to pay for them.	
510a		***2a. Natural gas undertakings shall ensure the disconnection of final customers in accordance with Article 11a, taking into account existing requirements to reduce or switch from fossil gas consumption and the relevant local heating and cooling plans prepared pursuant to Article 52a.***		*Objective of EP amendment may be similar but the Council text below is more comprehensive and concise and should be upheld*
Article 34(3)				
511	3. Access to the system for renewable and low carbon gases may only be refused subject to the provisions of Article 18 and 33 of [recast Gas Regulation as proposed in COM(2021) xxx].	3. Access to the system for renewable ***gas*** and low-carbon ***gas*** may only be refused subject to the provisions of Article 18 and 33 of [recast Gas Regulation as proposed in COM(2021) xxx].	3. Access to the system for renewable and low carbon gases may only be refused subject to the provisions of Article 18 and 33 of [recast Gas Regulation as proposed in COM(2021) ~~xxx~~ **804]**].	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 34(4)				
511a			**4. By way of derogation from paragraphs 1 to 3, a Member State may provide for a system whereby transmission system operators and distribution system operators are allowed to refuse access or connection, or to disconnect, natural gas network users, notably to ensure compliance with the implementation of the climate-neutrality objective set out in Article 2(1) of Regulation (EU) 2021/1119, where:**	
Article 34(4a)				
511b			**a. the network development plan pursuant to Article 51 envisages the decommissioning of the transmission system or relevant parts thereof or;**	*We should take the opportunity to clarify that not only decommissioning but specifically also **repurposing/conversion** to H2 can justify refusal*
Article 34(4b)				
511c			**b. the relevant national authority has approved the decommissioning of the distribution network or relevant parts thereof.**	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 34 second subparagraph				
511d			**Member States allowing for the refusal of access and connection or for the disconnection of network users pursuant to this paragraph shall ensure that this is done based on objective, transparent and non-discriminatory criteria defined by the national regulatory authority, taking into account the affected interests. Member States shall take adequate measures to protect network users in accordance with Article 11a when allowing for disconnection.**	
Article 34(5)				
511e			**5. Duly substantiated reasons shall be given for any refusal of access or connection and for any disconnection pursuant to this Article.**	
Chapter V				
512	Chapter V	Chapter V	Chapter V	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Rules applicable to transmission, storage and LNG system operators of natural gas	Rules applicable to transmission, storage and LNG system operators of natural gas	Rules applicable to transmission, storage and LNG system operators of natural gas	
Article 35				
513	Article 35 Tasks of transmission, storage or LNG system operators	Article 35 Tasks of transmission, storage or LNG system operators	Article 35 Tasks of transmission, storage or LNG system operators	
Article 35(1)				
514	1. Each transmission, storage or LNG system operator shall:	1. Each transmission, storage or LNG system operator shall:	1. Each transmission, storage or LNG system operator shall:	
Article 35(1), point (a)				
515	(a) operate, maintain and develop under economic conditions secure, reliable and efficient transmission, storage or LNG facilities to secure an open market, with due regard to the environment, the obligations laid down in [Regulation (EU) 2022/ … (Methane Regulation)] ensure adequate means to meet service obligations;	(a) operate, maintain***, develop and decommission*** under economic conditions secure, reliable and efficient transmission, storage or LNG facilities to secure an open market, with due regard to the environment, ***Union and national energy and climate objectives,*** the obligations laid down in ▌ Regulation (EU) ***.../ …,*** ensure adequate means to meet service obligations;	(a) operate, maintain and develop under economic conditions secure, reliable and efficient transmission, storage or LNG facilities to secure an open market, with due regard to the environment, the obligations laid down in [Regulation (EU) 2022/ … (Methane Regulation)]**,** ensure adequate means to meet service obligations;	
Article 35(1), point (b)				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
516	(b) not discriminate between system users or classes of system users, specifically in favour of its related undertakings;	(b) not discriminate between system users or classes of system users, specifically in favour of its related undertakings;	(b) not discriminate between system users or classes of system users, specifically in favour of its related undertakings;	
Article 35(1), point (c)				
517	(c) provide to any other transmission system operator, any other storage system operator, any other LNG system operator or any distribution system operator, sufficient information to ensure that the transport and storage of natural gas may take place in a manner compatible with the secure and efficient operation of the interconnected system;	(c) provide to any other transmission system operator, any other storage system operator, any other LNG system operator or any distribution system operator, sufficient information to ensure that the transport and storage of natural gas may take place in a manner compatible with the secure and efficient operation of the interconnected system;	(c) provide to any other transmission system operator, any other storage system operator, any other LNG system operator or any distribution system operator, sufficient information to ensure that the transport and storage of natural gas may take place in a manner compatible with the secure and efficient operation of the interconnected system;	
Article 35(1), point (d)				
518	(d) provide system users with the information they need for efficient access to the system.	(d) provide system users with the information they need for efficient access to the system.	(d) provide system users with the information they need for efficient access to the system.	
Article 35(2)				
519	2. Each transmission system operator shall build sufficient cross-border capacity to integrate	2. Each transmission system operator shall build sufficient cross-border capacity to integrate	2. Each transmission system operator shall build sufficient cross-border capacity to integrate	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	European transmission infrastructure accommodating all economically reasonable and technically feasible demands for capacity and taking into account security of gas supply.	European transmission infrastructure accommodating all economically reasonable and technically feasible demands for capacity and taking into account security of gas supply.	European transmission infrastructure accommodating all economically reasonable and technically feasible demands for capacity and taking into account security of gas supply.	
Article 35(3)				
520	3. Transmission system operators shall cooperate with distribution system operators to ensure the effective participation of market participants connected to the grid in retail, wholesale and balancing market.	3. Transmission system operators shall cooperate with distribution system operators to ensure the effective participation of market participants connected to the grid in retail, wholesale and balancing market.	3. Transmission system operators shall cooperate with distribution system operators to ensure the effective participation of market participants connected to the grid in retail, wholesale and balancing ~~market~~**markets**.	
Article 35(4)				
521	4. Transmission system operators shall ensure efficient gas quality management in their facilities in line with applicable gas quality standards.	4. Transmission system operators shall ensure efficient gas quality management in their facilities in line with applicable gas quality standards ***in order to consider the quality requirements of different end-user applications***.	4. Transmission system operators shall ensure efficient gas quality management in their facilities in line with applicable gas quality standards.	
Article 35(5)				
522	5. Rules adopted by transmission system operators for balancing the	5. Rules adopted by transmission system operators for balancing the	5. Rules adopted by transmission system operators for balancing the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	gas transmission system shall be objective, transparent and non-discriminatory, including rules for the charging of system users of their networks for energy imbalance. Terms and conditions, including rules and tariffs, for the provision of such services by transmission system operators shall be established pursuant to a methodology compatible with Article 72 (7) in a non-discriminatory and cost-reflective way and shall be published.	gas transmission system shall be objective, transparent and non-discriminatory, including rules for the charging of system users of their networks for energy imbalance. Terms and conditions, including rules and tariffs, for the provision of such services by transmission system operators shall be established pursuant to a methodology compatible with Article 72 (7) in a non-discriminatory and cost-reflective way and shall be published.	gas transmission system shall be objective, transparent and non-discriminatory, including rules for the charging of system users of their networks for energy imbalance. Terms and conditions, including rules and tariffs, for the provision of such services by transmission system operators shall be established pursuant to a methodology compatible with Article 72 (7) in a non-discriminatory and cost-reflective way and shall be published.	
Article 35(6)				
523	6. The regulatory authorities where Member States have so provided or Member States may require transmission system operators to comply with minimum standards for the maintenance and development of the transmission system, including interconnection capacity.	6. The regulatory authorities where Member States have so provided or Member States may require transmission system operators to comply with minimum standards for the maintenance and development of the transmission system, including interconnection capacity.	6. The regulatory authorities where Member States have so provided or Member States may require transmission system operators to comply with minimum standards for the maintenance and development of the transmission system, including interconnection capacity.	
Article 35(7)				
524	7. Member States may provide that one or several responsibilities listed in paragraph 1 are assigned	7. Member States may provide that one or several responsibilities listed in paragraph 1 are assigned	7. Member States may provide that one or several responsibilities listed in paragraph 1 are assigned	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to a transmission system operator other than the one which owns the transmission system to which the responsibilities concerned would otherwise be applicable. The transmission system operator to which the tasks are assigned shall be certified under the ownership unbundling, the independent system operator or the independent transmission system operator model and fulfil the requirements provided for in Article 54, but shall not be required to own the transmission system it is responsible for.	to a transmission system operator other than the one which owns the transmission system to which the responsibilities concerned would otherwise be applicable. The transmission system operator to which the tasks are assigned shall be certified under the ownership unbundling, the independent system operator or the independent transmission system operator model and fulfil the requirements provided for in Article 54, but shall not be required to own the transmission system it is responsible for.	to a transmission system operator other than the one which owns the transmission system to which the responsibilities concerned would otherwise be applicable. The transmission system operator to which the tasks are assigned shall be certified under the ownership unbundling, the independent system operator or the independent transmission system operator model and fulfil the requirements provided for in Article 54, but shall not be required to own the transmission system it is responsible for.	
Article 35(8)				
525	8. The transmission system operator shall fulfil the requirements provided for in Chapter IX and be certified in accordance with Article 57. This shall be without prejudice to the possibility for transmission system operators which are certified under the ownership unbundling, the independent system operator or the independent transmission system operator model to delegate, on their own initiative and under their supervision, certain tasks to other	8. The transmission system operator shall fulfil the requirements provided for in Chapter IX and be certified in accordance with Article 57. This shall be without prejudice to the possibility for transmission system operators which are certified under the ownership unbundling, the independent system operator or the independent transmission system operator model to delegate, on their own initiative and under their supervision, certain tasks to other	8. ~~The~~**A** transmission system operator **which owns the transmission system** shall fulfil the requirements provided for in Chapter IX and be certified in accordance with Article ~~57~~ **65**. This shall be without prejudice to the possibility for transmission system operators which are certified under the ownership unbundling, the independent system operator or the independent transmission system operator model to delegate, on their own	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	transmission system operators which are certified under the ownership unbundling, the independent system operator or the independent transmission system operator model, where the delegation of tasks does not endanger the effective and independent decision-making rights of the delegating transmission system operator.	transmission system operators which are certified under the ownership unbundling, the independent system operator or the independent transmission system operator model, where the delegation of tasks does not endanger the effective and independent decision-making rights of the delegating transmission system operator.	initiative and under their supervision, certain tasks to other transmission system operators which are certified under the ownership unbundling, the independent system operator or the independent transmission system operator model, where the delegation of tasks does not endanger the effective and independent decision-making rights of the delegating transmission system operator.	
Article 35(9)				
526	9. LNG and storage system operators shall cooperate, within one Member State and regionally, to ensure the most efficient use of facilities capacities and synergies between these facilities, taking into account system integrity and operation.	9. LNG and storage system operators shall cooperate, within one Member State and regionally, to ensure the most efficient use of facilities capacities and synergies between these facilities, taking into account system integrity and operation ***and minimised methane leakage, inter alia, by prioritising co-located uses***.	9. LNG**, transmission** and storage system operators shall cooperate, within one Member State and regionally, to ensure the most efficient use of facilities**'** capacities and synergies between these facilities, taking into account system integrity and operation **and avoiding creating constraints in operating LNG and storage facilities**.	
Article 35(10)				
527	10. Transmission system operators shall procure the energy	10. Transmission system operators shall procure the energy	10. Transmission system operators shall procure the energy	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	they use for the carrying out of their functions according to transparent, non-discriminatory and market based procedures.	they use for the carrying out of their functions according to transparent, non-discriminatory and market based procedures.	they use for the carrying out of their functions according to transparent, non-discriminatory and market based procedures.	
Article 36				
528	Article 36 Confidentiality for transmission system operators and transmission system owners	Article 36 Confidentiality for transmission system operators and transmission system owners	Article 36 Confidentiality for transmission system operators and transmission system owners	
Article 36(1)				
529	1. Without prejudice to Article 68 or any other legal duty to disclose information, each transmission, storage or LNG system operator, and each transmission system owner, shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its activities, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner. In particular, it shall not disclose any commercially sensitive information to the remaining parts of the	1. Without prejudice to Article 68 or any other legal duty to disclose information, each transmission, storage or LNG system operator, and each transmission system owner, shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its activities, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner. ***If the transmission, storage or LNG system operator, or the transmission system owner is part of a vertically integrated***	1. Without prejudice to Article 68 or any other legal duty to disclose information, each transmission, storage or LNG system operator, and each transmission system owner, shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its activities, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner. In particular, it shall not disclose any commercially sensitive information to the remaining parts of the undertaking	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	undertaking, unless this is necessary for carrying out a business transaction. In order to ensure the full respect of the rules on information unbundling, Member States shall ensure that the transmission system owner including, in the case of a combined operator, the distribution system operator, and the remaining part of the undertaking do not use joint services, such as joint legal services, apart from purely administrative or IT functions.	***undertaking***, it shall not disclose***, in particular,*** any commercially sensitive information to the remaining parts of the ***vertically integrated*** undertaking ***other than transmission system operators, distribution system operators or hydrogen network operators***, unless this is necessary for carrying out a business transaction. In order to ensure the full respect of the rules on information unbundling, Member States shall ensure that***, where the transmission system operator is unbundled in accordance with the rules on the independent system operator for natural gas set out in Section 2 of Chapter IX,*** the transmission system owner including, in the case of a combined operator, the distribution system operator, and the remaining part of the ***vertically integrated*** undertaking ***other than transmission system operators, distribution system operators or hydrogen network operators*** do not use joint services, such as joint legal services, apart from purely administrative or IT functions.	**which are not transmission or distribution system operators or hydrogen network operators**, unless this is necessary for carrying out a business transaction. In order to ensure the full respect of the rules on information unbundling, Member States shall ensure that the transmission system owner including, in the case of a combined operator, the distribution system operator, and the remaining part of the undertaking **which are not transmission or distribution system operators or hydrogen network operators** do not use joint services, such as joint legal services, apart from purely administrative or IT functions.	
Article 36(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
530	2. Transmission, storage or LNG system operators shall not, in the context of sales or purchases of natural gas by related undertakings, misuse commercially sensitive information obtained from third parties in the context of providing or negotiating access to the system.	2. Transmission, storage or LNG system operators shall not, in the context of sales or purchases of natural gas by related undertakings, misuse commercially sensitive information obtained from third parties in the context of providing or negotiating access to the system.	2. Transmission, storage or LNG system operators shall not, in the context of sales or purchases of natural gas by related undertakings, misuse commercially sensitive information obtained from third parties in the context of providing or negotiating access to the system.	
Article 36(3)				
531	3. Information necessary for effective competition and the efficient functioning of the market shall be made public. That obligation shall be without prejudice to protecting commercially sensitive information.	3. Information necessary for effective competition and the efficient functioning of the market shall be made public. That obligation shall be without prejudice to protecting commercially sensitive information.	3. Information necessary for effective competition and the efficient functioning of the market shall be made public. That obligation shall be without prejudice to protecting commercially sensitive information.	
Article 37				
532	Article 37 Decision-making powers regarding the connection of new production facilities for renewable and low carbon gases to the transmission system	Article 37 Decision-making powers regarding the connection of new production facilities for renewable ***gas*** and low-carbon ***gas*** to the transmission system	Article 37 Decision-making powers regarding the connection of ~~new~~ production facilities for renewable and low carbon gases to the transmission system	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 37(1)				
533	1. The transmission system operator shall establish and publish transparent and efficient procedures for non-discriminatory connection of new production installations of renewable and low carbon gases. Those procedures shall be subject to approval by the regulatory authorities.	1. The transmission system operator shall establish and publish transparent and efficient procedures for non-discriminatory connection of new production installations of renewable ***gas*** and low-***carbon gas in line with the capacities identified in the ten-year network development plan referred to in Article 51***. Those procedures shall be subject to approval by the regulatory authorities.	1. The transmission system operator shall establish and publish transparent and efficient procedures for non-discriminatory connection of ~~new~~ production installations of renewable and low carbon gases. Those procedures shall be subject to approval by the regulatory authorities.	
Article 37(2)				
534	2. The transmission system operators shall not be entitled to refuse economically reasonable and technically feasible connection requests of a new production facility installation for renewable and low carbon gases.	2. The transmission system operators shall not be entitled to refuse economically reasonable and technically feasible connection requests of a new ***or of an existing, but not yet connected*** production facility installation for renewable ***gas*** and low-***carbon gas in line with the capacities identified in the ten-year network development plan referred to in Article 51. Production facilities installations for renewable gas shall have priority to connect over facilities for low carbon gas.***	2. ~~The transmission system operators shall not be entitled to refuse economically reasonable and technically feasible connection requests of a new production facility installation for renewable and low carbon gases.~~	Uphold Council version

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
534a		***2a. For the purpose of the swift implementation of grid connection of renewable gas production, Member States shall ensure that:***		
534b		***(a) the transmission system operator complies with reasonable time limits to assess the requests for the injection of renewable gas, make an offer and implement the connection, under the monitoring of the regulatory authorities carried out in accordance with Article 72(1), point (t);***		
534c		***(b) permitting procedures for the implementation of the connection are not hampered by a lack of administrative capacity and do not create a hurdle to the achievement of the national renewable energy target.***		

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 38				
535	Article 38 Decision-making powers regarding the connection to the transmission system and the hydrogen network	Article 38 Decision-making powers regarding the connection to the transmission system and the hydrogen network	Article 38 Decision-making powers regarding the connection to the transmission system and the hydrogen network	
Article 38(1)				
536	1. The transmission system operator and the hydrogen network operator shall establish and publish transparent and efficient procedures and tariffs for non-discriminatory connection of natural gas and hydrogen storage facilities, LNG regasification facilities, hydrogen terminals and industrial customers to the transmission system and the hydrogen network. Those procedures shall be subject to approval by the regulatory authority.	1. The transmission system operator and the hydrogen network operator shall establish and publish transparent and efficient procedures and tariffs for non-discriminatory connection of natural gas and hydrogen storage facilities, LNG regasification facilities, hydrogen terminals and industrial customers to the transmission system and the hydrogen network ***in line with the capacities identified in the ten-year network development plan referred to in Article 51***. Those procedures shall be subject to approval by the regulatory authority.	1. The transmission system operator and the hydrogen network operator shall establish and publish transparent and efficient procedures and tariffs for non-discriminatory connection of natural gas and hydrogen storage facilities, LNG regasification facilities, hydrogen terminals and industrial customers to the transmission system and the hydrogen network. Those procedures shall be subject to approval by the regulatory authority.	
Article 38(2)				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
537	2. The transmission system operator and the hydrogen network operator shall not be entitled to refuse the connection of a new natural gas or hydrogen storage facility, LNG regasification facility, hydrogen terminal or industrial customer on the grounds of possible future limitations to available network capacities or additional costs linked with necessary capacity increase. The transmission system operator and hydrogen network operator shall ensure sufficient entry and exit capacity for the new connection.	2. The transmission system operator and the hydrogen network operator shall not be entitled to refuse the connection of a new natural gas or hydrogen storage facility, LNG regasification facility, hydrogen terminal or industrial customer on the grounds of possible future limitations to available network capacities or additional costs linked with necessary capacity increase. The transmission system operator and hydrogen network operator shall ensure sufficient entry and exit capacity for the new connection.	2. The transmission system operator and the hydrogen network operator shall not be entitled to refuse the connection of a new natural gas or hydrogen storage facility, LNG regasification facility, hydrogen terminal or industrial customer on the grounds of possible future limitations to available network capacities or additional costs linked with necessary capacity increase. The transmission system operator and hydrogen network operator shall ensure sufficient entry and exit capacity for the new connection.	
Chapter VI				
538	Chapter VI Distribution system operation of natural gas	Chapter VI Distribution system operation of natural gas	Chapter VI Distribution system operation of natural gas	
Article 39				
539	Article 39 Designation of distribution system operators	Article 39 Designation of distribution system operators ***and hydrogen distribution network operator***	Article 39 Designation of distribution system operators	*We can support the EP amendment with regard to hydrogen distribution network operators in substance (while maintaining the term « DSO » in*

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				the sense of « H2 DSO » would provide additional clarity)
Article 39, first paragraph				
540	Member States shall designate, or shall require undertakings which own or are responsible for distribution systems to designate, for a period of time to be determined by Member States, having regard to considerations of efficiency and economic balance, one or more distribution system operators and shall ensure that those operators act in accordance with Articles 40, 42 and 43.	***Following a transparent procedure,*** Member States shall designate, or shall require undertakings which own or are responsible for distribution systems ***or hydrogen distribution networks*** to designate, for a period of time to be determined by Member States, having regard to considerations of efficiency***, the Union's climate and energy targets*** and economic balance, one or more distribution system operators ***or hydrogen distribution network operators*** and shall ensure that those operators act in accordance with Articles 40, 42 and 43.	Member States shall designate, or shall require undertakings which own or are responsible for distribution systems to designate, for a period of time to be determined by Member States, having regard to considerations of efficiency and economic balance, one or more distribution system operators and shall ensure that those operators act in accordance with Articles 40, 42 and 43.	
Article 40				
541	Article 40 Tasks of distribution system operators	Article 40 Tasks of distribution system operators	Article 40 Tasks of distribution system operators	
Article 40(1)				
542				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Each distribution system operator shall be responsible for ensuring the long-term ability of the system to meet reasonable demands for the distribution of gas, and for operating, maintaining and developing under economic conditions a secure, reliable and efficient system in its area, with due regard for the environment, the obligations laid down in [Regulation (EU) 2022/ … (Methane Regulation)] and energy efficiency.	1. Each distribution system operator shall be responsible for ensuring the long-term ability of the system to meet reasonable demands for the distribution of gas ***in accordance with Articles 51 and 52b, including for biogas and biomethane assets***, and for operating, maintaining***, developing and decommissioning*** under economic conditions a secure, reliable and efficient system in its area, with due regard for the environment, the obligations laid down in ▌ Regulation (EU) ***.../***▌ … ▌ and energy efficiency.	1. Each distribution system operator shall be responsible for ensuring the long-term ability of the system to meet reasonable demands for the distribution of gas, and for operating, maintaining and developing **or decommissioning** under economic conditions a secure, reliable and efficient system in its area, with due regard for the environment, the obligations laid down in [Regulation (EU) 2022/ … (Methane Regulation)] and energy efficiency.	
Article 40(2)				
543	2. When so decided by regulatory authorities, distribution system operators may be responsible for ensuring efficient gas quality management in their facilities in line with applicable gas quality standards, where necessary for system management due to the injection of renewable and low-carbon gases.	2. When so decided by regulatory authorities, distribution system operators may be responsible for ensuring efficient gas quality management in their facilities in line with applicable gas quality standards, where necessary for system management due to the injection of renewable ***gas*** and low-carbon ***gas***.	2. When so decided by regulatory authorities, distribution system operators may be responsible for ensuring efficient gas quality management in their facilities in line with applicable gas quality standards, where necessary for system management due to the injection of renewable and low-carbon gases.	
Article 40(3)				
544				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	3. In any event, the distribution system operator shall not discriminate between system users or classes of system users, particularly in favour of its related undertakings.	3. In any event, the distribution system operator shall not discriminate between system users or classes of system users, particularly in favour of its related undertakings.	3. In any event, the distribution system operator shall not discriminate between system users or classes of system users, particularly in favour of its related undertakings.	
Article 40(4)				
545	4. Each distribution system operator shall provide any other distribution, transmission, LNG, and/or storage system operator with sufficient information to ensure that the transport and storage of natural gas takes place in a manner compatible with the secure and efficient operation of the interconnected system.	4. Each distribution system operator shall provide any other distribution, transmission, LNG, and/or storage system operator with sufficient information to ensure that the transport and storage of natural gas takes place in a manner compatible with the secure and efficient operation of the interconnected system.	4. Each distribution system operator shall provide any other distribution, transmission, LNG, and/or storage system operator with sufficient information to ensure that the transport and storage of natural gas takes place in a manner compatible with the secure and efficient operation of the interconnected system.	
Article 40(5)				
546	5. Each distribution system operator shall provide system users with the information they need for efficient access to, including use of, the system.	5. Each distribution system operator shall provide system users with the information they need for efficient access to, including use of, the system.	5. Each distribution system operator shall provide system users with the information they need for efficient access to, including use of, the system.	
Article 40(6)				
547				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	6. Where a distribution system operator is responsible for balancing the distribution system, rules adopted by it for that purpose shall be objective, transparent and non-discriminatory, including rules for the charging of system users for energy imbalance. Terms and conditions, including rules and tariffs, for the provision of such services by distribution system operators shall be established pursuant to a methodology compatible with Article 72(7) in a non-discriminatory and cost-reflective way and shall be published.	6. Where a distribution system operator is responsible for balancing the distribution system, rules adopted by it for that purpose shall be objective, transparent and non-discriminatory, including rules for the charging of system users for energy imbalance. Terms and conditions, including rules and tariffs, for the provision of such services by distribution system operators shall be established pursuant to a methodology compatible with Article 72(7) in a non-discriminatory and cost-reflective way and shall be published.	6. Where a distribution system operator is responsible for balancing the distribution system, rules adopted by it for that purpose shall be objective, transparent and non-discriminatory, including rules for the charging of system users for energy imbalance. Terms and conditions, including rules and tariffs, for the provision of such services by distribution system operators shall be established pursuant to a methodology compatible with Article 72(7) in a non-discriminatory and cost-reflective way and shall be published.	
Article 40(7)				
548	7. Distribution system operators shall cooperate with transmission system operators to ensure the effective participation of market participants connected to their grid in retail, wholesale and balancing market in the entry-exit system to which the distribution system belongs to.	7. Distribution system operators shall cooperate with transmission system operators to ensure the effective participation of market participants connected to their grid in retail, wholesale and balancing market in the entry-exit system to which the distribution system belongs to.	7. Distribution system operators shall cooperate with transmission system operators to ensure the effective participation of market participants connected to their ~~grid~~**infrastructure** in retail, wholesale and balancing ~~market~~**markets** in the entry-exit system to which the distribution system belongs to.	
Article 40(8)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
549	8. The distribution system operators shall establish and publish transparent and efficient procedures for non-discriminatory connection of new production installations of renewable and low carbon gases. Those procedures shall be subject to approval by the regulatory authorities.	8. The distribution system operators shall establish and publish transparent and efficient procedures for non-discriminatory connection of new production installations of renewable ***gas*** and low**-**carbon ***gas***. Those procedures shall be subject to approval by the regulatory authorities.	8. ~~The distribution system operators shall establish and publish transparent and efficient procedures for non-discriminatory connection of new production installations of renewable and low carbon gases. Those procedures shall be subject to approval by the regulatory authorities.~~	***Uphold deletion especially with regard to second sentence*** *: at DSO level an approval process by NRAs would mean considerable administrative burden, while a specific complaint mechanism would suffice and is already in place*
Article 40(9)				
550	9. The distribution system operators shall not be entitled to refuse economically reasonable and technically feasible connection requests of a new production facility for renewable and low carbon gases.	9. The distribution system operators shall not be entitled to refuse economically reasonable and technically feasible connection requests of a new ***or existing but not yet connected*** production facility ***installation*** for renewable ***gas and low-carbon gas in accordance with the Union energy and climate objectives and the capacities identified in the distribution network plans referred to in Article 52b. Production facilities for renewable gas shall have priority to connect over production facilities for low carbon gas.***	9. ~~The distribution system operators shall not be entitled to refuse economically reasonable and technically feasible connection requests of a new production facility for renewable and low carbon gases.~~	*Open in principle to EP amendment*
Article 41				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
551	Article 41 Decision-making powers regarding the connection of new production facilities for renewable and low carbon gases to the distribution system	Article 41 Decision-making powers regarding the connection of new production facilities for renewable and low carbon gases to the distribution system	Article 41 Decision-making powers regarding the connection of ~~new~~ production facilities for renewable and low carbon gases to the distribution system	
Article 41, first paragraph				
552	Regulatory authorities shall oblige the distribution system operator to publish transparent and efficient procedures for non-discriminatory connection of new production installations of renewable and low carbon gases. Those procedures shall be subject to approval by the regulatory authorities.	Regulatory authorities shall oblige the distribution system operator to publish transparent and efficient procedures for non-discriminatory connection of new production installations of renewable ***gas*** and low**-**carbon ***gas***. Those procedures shall be subject to approval by the regulatory authorities.	Regulatory authorities shall ~~oblige~~ **require** the distribution system operator to publish transparent and efficient procedures for non-discriminatory connection of ~~new~~ production installations of renewable and low carbon gases. Those procedures shall be subject to approval by the regulatory authorities.	
552a		***For the purpose of the swift implementation of network connection of renewable gas production, Member States shall ensure that:***		Sceptical with regard to supervision and enforcement in federally organised Member states with autonomous administrative bodies.
552b				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		(a) the distribution system operator complies with reasonable time limits to assess the requests for the injection of renewable gas, make an offer and implement the connection, under the monitoring of the regulatory authorities carried out in accordance with Article 72(1), point (t);		
552c		***(b) permitting procedures for the implementation of the connection are not hampered by a lack of administrative capacity and that do not create a hurdle to the achievement of the national renewable energy target.***		
Article 42				
553	Article 42 Unbundling of distribution system operators	Article 42 Unbundling of distribution system operators ***and hydrogen distribution network operators***	Article 42 Unbundling of distribution system operators	*We support the EP amendment here and after*
Article 42(1)				
554				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Where the distribution system operator is part of a vertically integrated undertaking, it shall be independent at least in terms of its legal form, organisation and decision making from other activities not relating to distribution. Those rules shall not create an obligation to separate the ownership of assets of the distribution system from the vertically integrated undertaking.	1. Where the distribution system operator ***or the hydrogen distribution network operator*** is part of a vertically integrated undertaking, it shall be independent at least in terms of its legal form, organisation and decision making from other activities not relating to distribution. Those rules shall not create an obligation to separate the ownership of assets of the distribution system ***or the hydrogen distribution network*** from the vertically integrated undertaking.	1. Where the distribution system operator is part of a vertically integrated undertaking, it shall be independent at least in terms of its legal form, organisation and decision making from other activities not relating to distribution. Those rules shall not create an obligation to separate the ownership of assets of the distribution system from the vertically integrated undertaking.	
Article 42(2)				
555	2. In addition to the requirements under paragraph 1, where the distribution system operator is part of a vertically integrated undertaking, it shall be independent in terms of its organisation and decision-making from the other activities not related to distribution. In order to achieve this, the following minimum criteria shall apply:	2. In addition to the requirements under paragraph 1, where the distribution system operator ***or the hydrogen distribution network operator*** is part of a vertically integrated undertaking, it shall be independent in terms of its organisation and decision-making from the other activities not related to distribution. In order to achieve this, the following minimum criteria shall apply:	2. In addition to the requirements under paragraph 1, where the distribution system operator is part of a vertically integrated undertaking, it shall be independent in terms of its organisation and decision-making from the other activities not related to distribution. In order to achieve this, the following minimum criteria shall apply:	*Support for EP amendment here and until end of Article 42*
Article 42(2), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
556	(a) the persons responsible for the management of the distribution system operator shall not participate in company structures of the integrated natural gas undertaking responsible, directly or indirectly, for the day-to-day operation of the production, transmission, transportation and supply of gases;	(a) the persons responsible for the management of the distribution system operator ***or the hydrogen distribution network operator*** shall not participate in company structures of the integrated natural gas undertaking ***or the vertically integrated undertaking*** responsible, directly or indirectly, for the day-to-day operation of the production, transmission, transportation and supply of ***gas***;	(a) the persons responsible for the management of the distribution system operator shall not participate in company structures of the integrated natural gas undertaking responsible, directly or indirectly, for the day-to-day operation of the production, transmission, ~~transportation~~**transport** and supply of gases;	*as before*
Article 42(2), point (b)				
557	(b) appropriate measures shall be taken to ensure that the professional interests of persons responsible for the management of the distribution system operator are taken into account in a manner that ensures that they are capable of acting independently;	(b) appropriate measures shall be taken to ensure that the professional interests of persons responsible for the management of the distribution system operator ***or the hydrogen distribution network operator*** are taken into account in a manner that ensures that they are capable of acting independently;	(b) appropriate measures shall be taken to ensure that the professional interests of persons responsible for the management of the distribution system operator are taken into account in a manner that ensures that they are capable of acting independently;	*as before*
Article 42(2), point (c)				
558	(c) the distribution system operator shall have effective decision-making rights, independent from the integrated	(c) the distribution system operator ***or the hydrogen distribution network operator*** shall have effective decision-	(c) the distribution system operator shall have effective decision-making rights, independent from the integrated	*as before*

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	natural gas undertaking, with respect to assets necessary to operate, maintain or develop the network; in order to fulfil those tasks, the distribution system operator shall have at its disposal the necessary resources including human, technical, financial and physical resources; this shall not prevent the existence of appropriate coordination mechanisms to ensure that the economic and management supervision rights of the parent company in respect of return on assets, regulated indirectly in accordance with Article 72(7) in a subsidiary are protected; in particular, this shall enable the parent company to approve the annual financial plan, or any equivalent instrument, of the distribution system operator and to set global limits on the levels of indebtedness of its subsidiary; it shall not permit the parent company to give instructions regarding day-to-day operations, nor with respect to individual decisions concerning the construction or upgrading of distribution lines, that do not exceed the terms of the approved	making rights, independent from the integrated natural gas undertaking ***or the vertically integrated undertaking***, with respect to assets necessary to operate, maintain or develop the network; in order to fulfil those tasks, the distribution system operator ***or the hydrogen distribution network operator*** shall have at its disposal the necessary resources including human, technical, financial and physical resources; this shall not prevent the existence of appropriate coordination mechanisms to ensure that the economic and management supervision rights of the parent company in respect of return on assets, regulated indirectly in accordance with Article 72(7) in a subsidiary are protected; in particular, this shall enable the parent company to approve the annual financial plan, or any equivalent instrument, of the distribution system operator ***or the hydrogen distribution network operator*** and to set global limits on the levels of indebtedness of its subsidiary; it shall not permit the parent company to give instructions regarding day-to-day	natural gas undertaking, with respect to assets necessary to operate, maintain or develop the network; in order to fulfil those tasks, the distribution system operator shall have at its disposal the necessary resources including human, technical, financial and physical resources; this shall not prevent the existence of appropriate coordination mechanisms to ensure that the economic and management supervision rights of the parent company in respect of return on assets, regulated indirectly in accordance with Article 72(7) in a subsidiary are protected; in particular, this shall enable the parent company to approve the annual financial plan, or any equivalent instrument, of the distribution system operator and to set global limits on the levels of indebtedness of its subsidiary; it shall not permit the parent company to give instructions regarding day-to-day operations, nor with respect to individual decisions concerning the construction or upgrading of distribution lines, that do not exceed the terms of the approved	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	financial plan, or any equivalent instrument;	operations, nor with respect to individual decisions concerning the construction or upgrading of distribution lines, that do not exceed the terms of the approved financial plan, or any equivalent instrument;	financial plan, or any equivalent instrument;	
Article 42(2), point (d)				
559	(d) the distribution system operator shall establish a compliance programme, which sets out measures taken to ensure that discriminatory conduct is excluded, and ensure that observance of it is adequately monitored; the compliance programme shall set out the specific obligations of employees to meet that objective; an annual report, setting out the measures taken, shall be submitted by the person or body responsible for monitoring the compliance programme, the compliance officer of the distribution system operator, to the regulatory authority referred to in Article 70(1) and shall be published; the compliance officer of the distribution system operator shall be fully independent and shall	(d) the distribution system operator ***or the hydrogen distribution network operator shall*** ▌ establish a compliance programme, which sets out measures taken to ensure that discriminatory conduct is excluded, and ensure that observance of it is adequately monitored; the compliance programme shall set out the specific obligations of employees to meet that objective; an annual report, setting out the measures taken, shall be submitted by the person or body responsible for monitoring the compliance programme, the compliance officer of the distribution system operator ***or the hydrogen distribution network operator***, to the regulatory authority referred to in Article 70(1) and shall be	(d) the distribution system operator shall establish a compliance programme, which sets out measures taken to ensure that discriminatory conduct is excluded, and ensure that observance of it is adequately monitored; the compliance programme shall set out the specific obligations of employees to meet that objective; an annual report, setting out the measures taken, shall be submitted by the person or body responsible for monitoring the compliance programme, the compliance officer of the distribution system operator, to the regulatory authority referred to in Article 70(1) and shall be published; the compliance officer of the distribution system operator shall be fully independent and shall	*as before*

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	have access to all the necessary information of the distribution system operator and any affiliated undertaking to fulfil his task.	published; the compliance officer of the distribution system operator ***or the hydrogen distribution network operator*** shall be fully independent and shall have access to all the necessary information of the distribution system operator ***or hydrogen distribution network operator*** and any affiliated undertaking to fulfil his task.	have access to all the necessary information of the distribution system operator and any affiliated undertaking to fulfil his task.	
Article 42(3)				
560	3. Where the distribution system operator is part of a vertically integrated undertaking, the Member States shall ensure that the activities of the distribution system operator are monitored by regulatory authorities or other competent bodies so that it cannot take advantage of its vertical integration to distort competition. In particular, vertically integrated distribution system operators shall not, in their communication and branding, create confusion in respect of the separate identity of the supply branch of the vertically integrated undertaking.	3. Where the distribution system operator ***or the hydrogen distribution network operator*** is part of a vertically integrated undertaking, the Member States shall ensure that the activities of the distribution system operator ***or the hydrogen distribution network operator*** are monitored by regulatory authorities or other competent bodies so that it cannot take advantage of its vertical integration to distort competition. In particular, vertically integrated distribution system operators ***or the hydrogen distribution network operators*** shall not, in their communication and branding, create confusion in respect of the separate identity of the supply	3. Where the distribution system operator is part of a vertically integrated undertaking, the Member States shall ensure that the activities of the distribution system operator are monitored by regulatory authorities or other competent bodies so that it cannot take advantage of its vertical integration to distort competition. In particular, vertically integrated distribution system operators shall not, in their communication and branding, create confusion in respect of the separate identity of the supply branch of the vertically integrated undertaking.	*as before*

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		branch of the vertically integrated undertaking.		
560a		***3a. The distribution system operator and the hydrogen distribution network operator shall comply with Articles 64 and 69.***		*as before*
Article 42(4)				
561	4. Member States may decide not to apply paragraphs 1, 2 and 3 to integrated natural gas undertakings serving less than 100 000 connected customers.	4. Member States may decide not to apply paragraphs 1, 2 and 3 to integrated natural gas undertakings serving less than 100 000 connected customers.	4. Member States may decide not to apply paragraphs 1, 2 and 3 to integrated natural gas undertakings serving less than 100 000 connected customers.	*With regard to H2 networks the 100.000 customer rule is most likely much too high (same as gas) and the derogation unfeasible*
Article 43				
562	Article 43 Confidentiality obligations of distribution system operators	Article 43 Confidentiality obligations of distribution system operators	Article 43 Confidentiality obligations of distribution system operators	
Article 43(1)				
563	1. Without prejudice to Article 68 or any other legal duty to disclose information, each distribution	1. Without prejudice to Article 68 or any other legal duty to disclose information, each distribution	1. Without prejudice to Article 68 or any other legal duty to disclose information, each distribution	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	system operator shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its business, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner.	system operator shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its business, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner.	system operator shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its business, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner.	
Article 43(2)				
564	2. Distribution system operators shall not, in the context of sales or purchases of natural gas by related undertakings, abuse commercially sensitive information obtained from third parties in the context of providing or negotiating access to the system.	2. Distribution system operators shall not, in the context of sales or purchases of natural gas by related undertakings, abuse commercially sensitive information obtained from third parties in the context of providing or negotiating access to the system.	2. Distribution system operators shall not, in the context of sales or purchases of natural gas by related undertakings, abuse commercially sensitive information obtained from third parties in the context of providing or negotiating access to the system.	
Article 44				
565	Article 44 Closed distribution systems of natural gas	Article 44 Closed distribution systems of natural gas	Article 44 Closed distribution systems of natural gas	
Article 44(1)				
566				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	1. Member States may provide for regulatory authorities or other competent authorities to classify a system which distributes natural gas within a geographically confined industrial, commercial or shared services site and does not, without prejudice to paragraph 4, supply household customers, as a closed distribution system if:	1. Member States may provide for regulatory authorities or other competent authorities to classify a system which distributes natural gas within a geographically confined industrial, commercial or shared services site and does not, without prejudice to paragraph 4, supply household customers, as a closed distribution system if:	1. Member States may provide for regulatory authorities or other competent authorities to classify a system which distributes natural gas within a geographically confined industrial, commercial or shared services site and does not, without prejudice to paragraph 4, supply household customers, as a closed distribution system if:	
Article 44(1), point (a)				
567	(a) for specific technical or safety reasons, the operations or the production process of the users of that system are integrated; or	(a) for specific technical or safety reasons, the operations or the production process of the users of that system are integrated; or	(a) for specific technical or safety reasons, the operations or the production process of the users of that system are integrated; or	
Article 44(1), point (b)				
568	(b) that system distributes natural gas primarily to the owner or operator of the system or to their related undertakings.	(b) that system distributes natural gas primarily to the owner or operator of the system or to their related undertakings.	(b) that system distributes natural gas primarily to the owner or operator of the system or to their related undertakings.	
Article 44(2)				
569	2. Member States may provide for regulatory authorities to exempt the operator of a closed natural gas distribution system from the	2. Member States may provide for regulatory authorities to exempt the operator of a closed natural gas distribution system from the	2. Member States may provide for regulatory authorities to exempt the operator of a closed natural gas distribution system from the	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	requirement under Article 27(1) that tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72.	requirement under Article 27(1) that tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72.	requirement under Article 27(1) that tariffs, or the methodologies underlying their calculation, are approved prior to their entry into force in accordance with Article 72.	
Article 44(3)				
570	3. Where an exemption is granted under paragraph 2, the applicable tariffs, or the methodologies underlying their calculation, shall be reviewed and approved in accordance with Article 72 upon request by a user of the closed natural gas distribution system.	3. Where an exemption is granted under paragraph 2, the applicable tariffs, or the methodologies underlying their calculation, shall be reviewed and approved in accordance with Article 72 upon request by a user of the closed natural gas distribution system.	3. Where an exemption is granted under paragraph 2, the applicable tariffs, or the methodologies underlying their calculation, shall be reviewed and approved in accordance with Article 72 upon request by a user of the closed natural gas distribution system.	
Article 44(4)				
571	4. Incidental use by a small number of households with employment or similar associations with the owner of the distribution system and located within the area served by a closed distribution system shall not preclude an exemption under paragraph 2 being granted.	4. Incidental use by a small number of households with employment or similar associations with the owner of the distribution system and located within the area served by a closed distribution system shall not preclude an exemption under paragraph 2 being granted.	4. Incidental use by a small number of households with employment or similar associations with the owner of the distribution system and located within the area served by a closed distribution system shall not preclude an exemption under paragraph 2 being granted.	
Article 44(5)				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
572	5. Closed distribution systems shall be considered as distribution systems for the purposes of this Directive.	5. Closed distribution systems shall be considered as distribution systems for the purposes of this Directive.	5. Closed distribution systems shall be considered as distribution systems for the purposes of this Directive.	
Article 45				
573	Article 45 Combined operator	Article 45 Combined operator	Article 45 Combined operator	
Article 45, first paragraph				
574	Article 44 (1) shall not prevent the operation of a combined transmission, LNG, storage and distribution system operator provided that the operator complies with Article 54 (1), or Articles 55 and 56, or Chapter IX.	Article ***44(1)*** shall not prevent the operation of a combined transmission ***system***, ***hydrogen network, LNG system***, ***hydrogen terminal, natural gas and hydrogen*** storage and distribution system operator provided that ***the*** operator complies with ***Articles 64 and 69 as well as Article 54(1),*** Articles 55 and 56, ***Chapter IX, or Article 62***.	Article ~~44~~ **42** (1) shall not prevent the operation of a combined transmission, LNG, storage and distribution system operator provided that the operator complies with Article 54 (1), or Articles 55 and 56, or Chapter IX .	*Open for EP amendment, but Art. 63 should also be included, as Art. 45 refers to transport level only*
ChapterVII				
575	ChapterVII Rules applicable to the dedicated hydrogen networks	ChapterVII Rules applicable to the dedicated hydrogen networks	ChapterVII Rules applicable to the dedicated hydrogen networks	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 46				
576	Article 46 Tasks of hydrogen network, storage and terminal operators	Article 46 Tasks of hydrogen network, storage and terminal operators	Article 46 Tasks of hydrogen network, storage and terminal operators	
Article 46(1)				
577	1. Each operator of hydrogen networks, storage or terminal shall be responsible for:	1. Each operator of hydrogen networks, storage or terminal shall be responsible for:	1. Each operator of hydrogen networks, storage or terminal shall be responsible for:	
Article 46(1), point (a)				
578	(a) operating, maintaining and developing under economic conditions a secure and reliable infrastructure for hydrogen transport or storage with due regard to the environment, in close cooperation with connected and neighbouring hydrogen network operators;	(a) operating, maintaining**,** developing***, including repurposing,*** under economic conditions a secure and reliable infrastructure for hydrogen transport or storage with due regard to the environment, in close cooperation with connected and neighbouring hydrogen network operators ***and on the basis of the ten-year network development plan referred to in Article 51***;	(a) operating, maintaining and developing under economic conditions a secure and reliable infrastructure for hydrogen transport or storage with due regard to the environment, in close cooperation with connected and neighbouring hydrogen network operators;	*Open in principle for EP amendment here and after*
Article 46(1), point (b)				
579	(b) ensuring the long-term ability of the hydrogen system to meet	(b) ensuring the long-term ability of the hydrogen system to meet	(b) ensuring the long-term ability of the hydrogen system to meet	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	reasonable demands for the transport and storage of hydrogen;	***identified*** reasonable demands for the transport and storage of hydrogen ***in accordance with the ten-year network development plan referred to in Article 51***;	reasonable demands for the transport and storage of hydrogen;	
Article 46(1), point (c)				
580	(c) ensuring adequate means to meets its obligations;	(c) ensuring adequate means to meets its obligations;	(c) ensuring adequate means to ~~meets~~**meet** its obligations;	
Article 46(1), point (d)				
581	(d) providing to the operator of other networks or systems with which its system is interconnected sufficient information to ensure the secure and efficient operation, coordinated development and interoperability of the interconnected system;	(d) providing to the operator of other networks or systems with which its system is interconnected sufficient information***, including on hydrogen quality,*** to ensure the secure and efficient operation, coordinated development and interoperability of the interconnected system;	(d) providing to the operator of other networks or systems with which its system is interconnected sufficient information to ensure the secure and efficient operation, coordinated development and interoperability of the interconnected system;	
Article 46(1), point (e)				
582	(e) not discriminating between system users or classes of infrastructure users, specifically in favour of its related undertakings; and	(e) not discriminating between system users or classes of infrastructure users, specifically in favour of its related undertakings; and	(e) not discriminating between **hydrogen** system users or classes of infrastructure users, specifically in favour of its related undertakings; and	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 46(1), point (f)				
583	(f) providing system users with the information they need for efficient access to the infrastructure;	(f) providing system users with the information they need for efficient access to the infrastructure;	(f) providing **hydrogen** system users with the information they need for efficient access to the infrastructure;	
Article 46(1), point (g)				
584	(g) taking all reasonable measures available to prevent and minimise hydrogen emissions in their operations and carrying out, at regular intervals, a hydrogen leak detection and repair survey of all relevant components under the operator responsibility;	(g) taking all ***necessary*** measures available to prevent and minimise hydrogen emissions in their operations and carrying out, at regular intervals, a hydrogen leak detection and repair survey of all relevant components under the operator responsibility;	(g) taking all reasonable measures available to prevent and minimise hydrogen emissions in their operations and carrying out, at regular intervals, a hydrogen leak detection and repair survey of all relevant components under the operator responsibility;	
Article 46(1), point (h)				
585	(h) submitting a hydrogen leak detection report and, where necessary, a repair or replacement programme to the competent authorities;	(h) submitting a hydrogen leak detection report and, where necessary, a repair or replacement programme to the competent authorities; ***data on hydrogen leaks and repairs shall be made publicly available;***	(h) submitting a hydrogen leak detection report and, where necessary, a repair or replacement programme to the competent authorities;	
585a				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		(ha) coordinating the activities with other hydrogen network operators in order to optimise co-location of production and use of hydrogen.		
Article 46(2)				
586	2. Each hydrogen network operator shall build sufficient cross-border capacity to integrate European hydrogen infrastructure accommodating all economically reasonable and technically feasible demands for capacity and taking into account security of hydrogen supply.	2. Each hydrogen network operator shall build sufficient cross-border capacity to integrate European hydrogen infrastructure accommodating***, where it is*** economically reasonable and technically feasible***, all*** demands ***along the*** capacity ***identified in the ten-year network development plan referred to in Article 51 and the Union-wide network development plan referred to in Article 23 of [recast Gas Regulation as proposed in COM(2021) xxx]*** and taking into account security of hydrogen supply. ***This paragraph shall not apply to hydrogen distribution network operators unless they operate cross-border infrastructure.***	2. ~~Each~~ Hydrogen network ~~operator~~**operators** shall ~~build sufficient~~ **aim to ensure** cross-border capacity to integrate European hydrogen infrastructure accommodating all economically reasonable and technically feasible demands for capacity and taking into account security of hydrogen supply. **Upon their certification pursuant to Article 65 of this Directive and Article 13 of [the recast Gas Regulation as proposed in COM (2021) 804] competent authorities of Member States may decide to task one or a limited number of hydrogen network operators with the responsibility for ensuring cross-border capacity.**	*Open for combination of Council and EP wording*
Article 46(3)				
587				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	3. Hydrogen network operators may be responsible for ensuring efficient hydrogen quality management in their networks in line with applicable hydrogen quality standards, where necessary for system management and subject to the approval of the regulatory authority.	3. Hydrogen network operators ***shall*** be responsible for ensuring efficient hydrogen quality management in their networks in line with applicable hydrogen quality standards, ***to meet the quality requirements of different end-use applications*** and subject to the approval of the regulatory authority.	3. **The regulatory authority may decide to entrust** hydrogen network operators ~~may be responsible~~**with the responsibility** for ensuring efficient hydrogen quality management in their networks in line with applicable hydrogen quality standards, where necessary for system management ~~and subject to the approval of the regulatory authority~~.	
Article 46(4)				
587a			**4. Hydrogen network operators shall be responsible for balancing in their networks as from 1 January 2036, or as from an earlier date where so provided by the regulatory authority. Rules adopted by hydrogen network operators for balancing the hydrogen network shall be objective, transparent and non-discriminatory, including rules for the charging of users of their networks for energy imbalance.**	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
587b		***3a. Hydrogen network operators shall be required to ensure stable hydrogen quality for end-users, in particular in hard-to-decarbonise sectors, by applying applicable hydrogen quality standards.***		*REject EP amendment that would introduce a separate network operator responsibility to end-users*
587c				
Article 47				
588	Article 47 Existing hydrogen networks	Article 47 Existing hydrogen networks	Article 47 Existing hydrogen networks	
Article 47(1)				
589	1. Member States may decide to grant a derogation from the requirements of Articles 31, 62, 63 and 64 of this Directive, and Articles 6 and 47 of [recast Gas Regulation as proposed in COM(2021) xxx] to hydrogen networks that belonged to a vertically integrated undertaking on [date of entry into force]. The derogation shall be limited in scope to the network capacity in	1. Member States may decide to grant a derogation from the requirements of Articles 31, ***42, 62*** and 64 of this Directive, and Articles 6 and 47 of [recast Gas Regulation as proposed in COM(2021) xxx] to hydrogen networks that belonged to a vertically integrated undertaking on [date of entry into force]. The derogation shall be limited in scope to the network capacity in	1. Member States may ~~decide~~**provide for regulatory authorities** to grant a derogation from the requirements of **one or more of** Articles 31, 62, 63**, 64 and 65** ~~and 64~~ of this Directive, and Articles 6 and 47 of [recast Gas Regulation as proposed in COM(2021) ~~xxx~~ **804**] to hydrogen networks that belonged to a vertically integrated undertaking on [date of entry into force]. The derogation shall be	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	operation on [date of entry into force].	operation on [date of entry into force].	limited in scope to the network capacity in operation on [date of entry into force].	
Article 47(2)				
590	2. The derogation shall be limited in time and shall expire:	2. The derogation shall be limited in time and shall expire:	2. The derogation shall ~~be limited in time and shall~~ expire:	
Article 47(2), point (a)				
591	(a) where the vertically integrated undertaking submits a request to the regulatory authority to end the derogation and such request is approved by the regulatory authority;	(a) where the vertically integrated undertaking submits a request to the regulatory authority to end the derogation and such request is approved by the regulatory authority;	(a) where the vertically integrated undertaking submits a request to the regulatory authority to end the derogation and such request is approved by the regulatory authority;	
Article 47(2), point (b)				
592	(b) where the hydrogen network benefitting from the derogation is connected to another hydrogen network;	(b) where the hydrogen network benefitting from the derogation is connected to another hydrogen network;	(b) where the hydrogen network benefitting from the derogation is connected to another hydrogen network;	
Article 47(2), point (c)				
593	(c) where the hydrogen network benefitting from the derogation or its capacity is expanded;	(c) where the hydrogen network benefitting from the derogation or its capacity is expanded;	(c) where the hydrogen network benefitting from the derogation or its capacity is expanded **by more**	

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			than [5%] in terms of length or capacity compared to [date of entry into force of this Directive]; or	
Article 47(2), point (d)				
594	(d) at the latest on 31 December 2030.	(d) at the latest on 31 December 2030.	(d) ~~at the latest on 31 December 2030~~ **where the regulatory authority concludes by decision that the continued application of the derogation would carry the risk of impeding competition or adversely affecting the efficent deployment of hydrogen infrastructure or the development of the hydrogen market in the Member State or the Union**.	
Article 47(3)				
594a			**3. Regulatory authorities may request operators of existing hydrogen networks to provide them with all information necessary for the execution of their tasks.**	
Article 48				
595				

PUBLIC

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 48 Geographically confined hydrogen networks	Article 48 Geographically confined hydrogen networks	Article 48 Geographically confined hydrogen networks	
Article 48(1)				

PUBLIC

596	1. Member States may provide for regulatory authorities to grant a derogation from Article 62 for hydrogen networks which transport hydrogen from one entry point to a limited number of exit points within a geographically confined, industrial or commercial area..	-1. Member States may provide for regulatory authorities to grant a derogation from Article ***42 or*** 62 for hydrogen networks which transport hydrogen from one entry point to a limited number of exit points within a geographically confined, industrial or commercial area. ▌	1. Member States may provide for regulatory authorities to grant a derogation from ~~Article 62~~ **Articles 62 and 65** for hydrogen networks which transport hydrogen ~~from one entry point~~ to a limited number of exit points within a geographically confined **area. For the duration of the derogation, such network shall fulfil all of the following conditions:**~~, industrial or commercial area..~~	*We support the EP approach: opening DSO unbundling in Art. 42 also for hydrogen and focusing Art. 62 on hydrogen transmission networks. We continue to advocate that the same rules that apply today in the gas sector should also apply to hydrogen DSO. DSO must be able to fulfill their important function in hydrogen.* *Art. 48 is not a solution. It creates administrative burden, legal uncertainity and is not in line with the goal of hydrogen ramp-up*
596a		***Before granting a derogation pursuant to the first subparagraph, the regulatory authorities shall take into account the connection to the hydrogen network of end-users in hard-to decarbonise sectors with the highest greenhouse gas abatement potential where no other more energy or cost efficient alternatives are available*** .		
Article 48(1), first subparagraph i				

596b			**i. It shall not include hydrogen interconnectors.**	
596c			**ii. It shall not have direct connections to hydrogen storage facilities or hydrogen terminals, unless such storage facilities or terminals are also connected to a hydrogen network which does not benefit from a derogation under this Article or Article 47.**	
596d			**iii. It shall primarily serve the purpose of supplying hydrogen to customers directly connected to this network.**	
Article 48(2), first subparagraph				
597	2. The derogations under paragraph 1 shall apply at least until 31 December 2030. As from 1 January 2031, the derogation shall expire when one of the conditions below is fulfilled:	2. The derogations under paragraph 1 shall apply at least until 31 December 2030. As from 1 January 2031, the derogation shall expire when one of the conditions below is fulfilled:	2. The ~~derogations under~~**national regulatory authority shall adopt a decision to withdraw the derogation pursuant to** paragraph 1 ~~shall apply at least until 31 December 2030. As from 1 January 2031, the derogation shall expire when one~~**if it**	

PUBLIC

			concludes that the continued application of the derogation would carry the risk of impeding competition or adversely affecting the efficient deployment of hydrogen infrastructure or the development of the hydrogen market in the Member State or the Union, or where any of the conditions ~~below is~~ **listed under paragraph 1 is no longer** fulfilled~~:~~**.**	
Article 48(2), first subparagraph, point (a)				
598	(a) where a competing renewable hydrogen producer wants to get access to the network;	(a) where a competing renewable hydrogen producer wants to get access to the network;	(a) ~~where a competing renewable hydrogen producer wants to get access to the network;~~	
Article 48(2), first subparagraph, point (b)				
599	(b) where the exempted hydrogen network becomes connected to another hydrogen network.	(b) where the exempted hydrogen network becomes connected to another hydrogen network.	(b) ~~where the exempted hydrogen network becomes connected to another hydrogen network.~~	
Article 48(2), second subparagraph				
600	Member States shall take the necessary measures to ensure that access requests referred to in point	Member States shall take the necessary measures to ensure that access requests referred to in point (a) of ***the first subparagraph*** are	~~Member States shall take the necessary measures to ensure that access requests referred to in point~~	

	(a) of this paragraph are notified to the regulatory authority.	notified to the regulatory authority ***and information on derogations, type of end-users served, type and extension of the geographically confined area are made publicly available, with due regard of commercially sensitive information***.	~~(a) of this paragraph are notified to the regulatory authority.~~	
Article 49				
601	Article 49 Hydrogen interconnectors with third countries	Article 49 Hydrogen interconnectors with third countries	Article 49 Hydrogen interconnectors with third countries	
Article 49(1)				
602	1. Hydrogen interconnectors between Member States and third countries shall be subject to the rules applicable to hydrogen networks as set out in this Directive and in [recast Gas Regulation as proposed in COM(2021) xxx]. Member States shall ensure that the enforcement of these rules takes into account their effective application on Union territory and the integrated nature of the interconnector.	1. Hydrogen interconnectors between Member States and third countries shall be subject to the rules applicable to hydrogen networks as set out in this Directive and in [recast Gas Regulation as proposed in COM(2021) xxx]. Member States shall ensure that the enforcement of these rules takes into account their effective application on Union territory and the integrated nature of the interconnector.	1. **The Union shall, for each** hydrogen ~~interconnectors~~**interconnector** between Member States and third countries**, conclude prior to its operation an international agreement in accordance with Article 218 TFEU with the connected third country, or third countries, setting out the operating rules for the hydrogen interconnector concerned, where necessary to ensure coherence and consistency with** ~~shall be subject to~~ the rules applicable to hydrogen networks ~~as~~ set out in	*Maintain Council amendments*

PUBLIC

			this Directive and ~~in~~ [recast gas Regulation as proposed in ~~COM(2021) xxx~~**COM(2021)804**]. ~~Member States~~**An international agreement** shall ~~ensure that the enforcement of these rules takes into account their effective application on Union territory and the integrated nature of the~~ **not be considered necessary where the Member State connected or intending to be connected by a hydrogen interconnector negotiates and concludes an intergovernmental agreement with the connected third country or third countries concerned in accordance with Article 82, setting out the operating rules for the hydrogen** interconnector **concerned to ensure coherence and consistency with the rules applicable to hydrogen networks set out in this Directive and [recast gas Regulation as proposed in COM(2021)804]**.	
Article 49(2)				
603	2. For the purpose of implementing the requirements set out in paragraph 1, the Union shall, for each hydrogen interconnector, conclude prior to	2. For the purpose of implementing the requirements set out in paragraph 1, the Union shall, for each hydrogen interconnector, conclude prior to	2. ~~For the purpose of implementing the requirements set out in~~ Paragraph 1~~, the Union~~ shall~~, for each hydrogen interconnector, conclude prior to~~	

	its operation an intergovernmental agreement with the connected third country, or third countries, setting out the operating rules for the hydrogen interconnector concerned where the Commission has determined that such an agreement is necessary to ensure compliance with the rules referred to in paragraph 1.	its operation an intergovernmental agreement with the connected third country, or third countries, setting out the operating rules for the hydrogen interconnector concerned where the Commission has determined that such an agreement is necessary to ensure compliance with the rules referred to in paragraph 1.	~~its operation an intergovernmental agreement with the connected third country, or third countries, setting out the operating rules for the hydrogen interconnector concerned where the Commission has determined that such an agreement is necessary to ensure compliance with the rules referred to in paragraph 1~~ **be without prejudice to Article 79 and to the allocation of competences between the Union and the Member States**.	
Article 49(3)				
604	3. Such intergovernmental agreement may contain, as appropriate, rules specifying the implementation of the requirements of third-party access, tariff regulation and on the unbundling of the operator of the hydrogen interconnector, as well as rules on the certification of renewable and low-carbon hydrogen, including rules ensuring the collection of required data and the application of the criteria for accounting hydrogen produced from electricity as renewable hydrogen.	3. Such intergovernmental agreement ***shall*** contain ▌ rules specifying the implementation of the requirements of third-party access, tariff regulation and on the unbundling of the operator of the hydrogen interconnector, as well as rules on the certification of renewable and low-carbon hydrogen, including rules ensuring the collection of required data and the application of the criteria for accounting hydrogen produced from ***renewable*** electricity as renewable hydrogen ***as well as guidelines on social and environmental cooperation***.	3. ~~Such intergovernmental agreement may contain, as appropriate, rules specifying the implementation~~**Member States shall ensure that the enforcement** of the ~~requirements of third-party access, tariff regulation and on the unbundling of the operator of the hydrogen interconnector, as well as rules on the certification of renewable and low-carbon hydrogen, including rules ensuring the collection of required data and the application~~**rules referred to in pragraph 1 takes into account their effective application on**	

			Union territory and the integrated nature of the ~~criteria for accounting hydrogen produced from electricity as renewable hydrogen~~**interconnector**.	
604a		***Article 49a*** ***Smart metering systems in the hydrogen system for industrial customers***		*Open for EP amendment in principle (while not considered very relevant as the use of smart meters will be obvious here…)*
604b		***1. Member States shall ensure the deployment of smart metering systems for industrial customers that can accurately measure consumption, provide information on actual time of use, and are capable of transmitting and receiving data for the purpose of information, monitoring and control, using a form of electronic communication.***		
604c		***2. Member States shall ensure the security of the metering***		

PUBLIC

		systems and of relevant data communication, and the privacy of final customers, in accordance with relevant Union data protection and privacy law, as well as their interoperability, having regard to the use of appropriate standards.		
604d		***3. The Commission shall adopt, by means of implementing acts, interoperability requirements for smart metering systems and procedures to ensure, for those eligible, access to data coming from those metering systems. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 84(2).***		
Article 50				
605	Article 50 Confidentiality for operators of hydrogen networks, hydrogen storage facilities and hydrogen terminals	Article 50 Confidentiality for operators of hydrogen networks, hydrogen storage facilities and hydrogen terminals	Article 50 Confidentiality for operators of hydrogen networks, hydrogen storage facilities and hydrogen terminals	
Article 50(1)				

PUBLIC

606	1. Without prejudice to legal duties to disclose information, each operator of a hydrogen network, hydrogen storage facility or hydrogen terminal, and each owner of a hydrogen network, shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its activities, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner. In particular, if the operator of a hydrogen network, hydrogen storage facility or hydrogen terminal, or the owner of a hydrogen network is part of a vertically integrated undertaking, it shall not disclose any commercially sensitive information to the remaining parts of the undertaking, unless this is necessary for carrying out a business transaction.	1. Without prejudice to legal duties to disclose information, each operator of a hydrogen network, hydrogen storage facility or hydrogen terminal, and each owner of a hydrogen network, shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its activities, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner. If the operator of a hydrogen network, hydrogen storage facility or hydrogen terminal, or the owner of a hydrogen network is part of a vertically integrated undertaking, it shall***, in particular,*** not disclose any commercially sensitive information to the remaining parts of the ***vertically integrated*** undertaking ***other than transmission system operators, distribution system operators or hydrogen network operators***, unless this is necessary for carrying out a business transaction.	1. Without prejudice to legal duties to disclose information, each operator of a hydrogen network, hydrogen storage facility or hydrogen terminal, and each owner of a hydrogen network, shall preserve the confidentiality of commercially sensitive information obtained in the course of carrying out its activities, and shall prevent information about its own activities which may be commercially advantageous from being disclosed in a discriminatory manner. In particular, if the operator of a hydrogen network, hydrogen storage facility or hydrogen terminal, or the owner of a hydrogen network is part of a vertically integrated undertaking, it shall not disclose any commercially sensitive information to the remaining parts of the undertaking **which are not transmission or distribution system operators or hydrogen network operators**, unless this is necessary for carrying out a business transaction.	
Article 50(2)				

607	2. The operator of a hydrogen network, hydrogen storage facility or hydrogen terminal shall not, in the context of sales or purchases of hydrogen by related undertakings, misuse commercially sensitive information obtained from third parties in the context of providing or negotiating access to the system.	2. The operator of a hydrogen network, hydrogen storage facility or hydrogen terminal shall not, in the context of sales or purchases of hydrogen by related undertakings, misuse commercially sensitive information obtained from third parties in the context of providing or negotiating access to the system.	2. The operator of a hydrogen network, hydrogen storage facility or hydrogen terminal shall not, in the context of sales or purchases of hydrogen by related undertakings, misuse commercially sensitive information obtained from third parties in the context of providing or negotiating access to the system.	
Article 50(3)				
608	3. Information necessary for effective competition and the efficient functioning of the market shall be made public. That obligation shall be without prejudice to protecting commercially sensitive information.	3. Information necessary for effective competition and the efficient functioning of the market shall be made public. That obligation shall be without prejudice to protecting commercially sensitive information.	3. Information necessary for effective competition and the efficient functioning of the market shall be made public. That obligation shall be without prejudice to protecting commercially sensitive information.	
Chapter VIII				
609	Chapter VIII Integrated network planning	Chapter VIII Integrated network planning	Chapter VIII Integrated network planning	
Article 51				
610	Article 51	Article 51	Article 51	*We support EP proposal insofar as it would provide for reliable* .

	Network development and powers to make investment decisions	Network development and powers to make investment decisions	Network development **for natural gas** and powers to make investment decisions	*hydrogen network planning (much quicker than Art. 52) Hydrogen network planning should be possible in an integrated manner with Gas NDPs as well as in separate NDPs*
Article 51(1)				
611	1. At least every two years, all transmission system operators shall submit to the relevant regulatory authority a ten-year network development plan based on existing and forecast supply and demand after having consulted all relevant stakeholders. There shall be at least one single network development plan per Member State. Infrastructure operators, including LNG terminal operators, storage operators, distribution system operators as well as hydrogen, district heating infrastructure and electricity operators shall be required to provide and exchange all relevant information to the transmission system operators required for developing the single plan. That network development plan shall contain efficient measures in order to guarantee the adequacy of the natural gas system and the security of supply, in particular the	1. At least every two years, ***all*** transmission system operators***, hydrogen transmission network operators and electricity transmission system operator in accordance with Article 51 of Directive (EU) 2019/944*** shall submit to the relevant regulatory authority a ten-year network development plan based on existing and forecast supply and demand after having consulted all relevant stakeholders ***in accordance with paragraph 8a of this Article***. There shall be at least one single network development plan per Member State ***for natural gas, hydrogen and electricity. The single network development plan shall contain efficient measures in order to promote energy system integration in line with the 'system efficiency' principle, as defined in Article 2, point (3a) of Directive (EU) .../... and the energy efficiency first principle in***	1. At least every two years, all transmission system operators shall submit to the relevant regulatory authority a ten-year network development plan based on existing and forecast supply and demand after having consulted all relevant stakeholders. There shall be at least one single network development plan per Member State. Infrastructure operators, including LNG terminal operators, storage operators, distribution system operators as well as hydrogen, district heating infrastructure and electricity operators shall be required to provide and exchange all relevant information to the transmission system operators required for developing the single plan. That network development plan shall contain efficient measures in order to guarantee the adequacy of the natural gas system and the security of supply, in particular the	

PUBLIC

	compliance with the infrastructure standards under Regulation (EU) 2017/1938. The ten-year network development plan shall be published and accessible on a website.	***accordance with the Commission Recommendation on Energy Efficiency First, contribute to climate neutrality and*** guarantee the adequacy of the natural gas system and the ***hydrogen system as well as the*** security of supply, in particular the compliance with the infrastructure standards under Regulation (EU) 2017/1938. The ten-year network development plan***, and the information which the transmission system operator and the hydrogen transmission network operator considered in developing the ten-year network development plan,*** shall be published and accessible on a website.	compliance with the infrastructure standards under Regulation (EU) 2017/1938. The ten-year network development plan shall be published and accessible on a website.	
Article 51(2)				
612	2. The ten-year network development plan shall, in particular:	2. The ten-year network development plan shall, in particular:	2. The ten-year network development plan shall, in particular:	
Article 51(2), point (a)				
613	(a) contain the main infrastructure that needs to be built or upgraded over the next ten years;	(a) contain the main infrastructure that needs to be built or upgraded over the next ten years***, taking into account infrastructure developed by distribution system operators***	(a) contain **comprehensive and detailed information on** the main infrastructure that needs to be built or upgraded over the next ten years **taking into account any**	

PUBLIC

		to enable reverse flows to the transmission network;	**infrastructure needed for connecting renewable and low-carbon gas installations and including infrastructure developed to enable reverse flows to the transmission network**;	
Article 51(2), point (b)				
614	(b) contain all the investments already decided and identify new investments which have to be executed in the next three years;	(b) contain all the investments ***and demand-side solutions not requiring new infrastructure investments*** already decided and identify new investments ***and demand-side solutions not requiring new infrastructure investments*** which have to be executed in the next three years**,** ***including investments with regard to the decommissioning and repurposing of infrastructure***;	(b) contain all the investments already decided and identify new investments which have to be executed in the next three years;	*EP amdenment « demand-side… » not really necessary insofar as this is part of the NDP assessment anyhow*
Article 51(2), point (c)				
615	(c) include information on infrastructure that can or will be decommissioned; and	(c) include information on infrastructure that can or will be decommissioned ***or repurposed for the transmission of hydrogen, in particular to rapidly deliver hydrogen to end-users in hard-to-decarbonise sectors with the highest greenhouse gas***	(c) include **comprehensive and detailed** information on infrastructure that can or will be decommissioned; ~~and~~	*Support for EP amendment*

		abatement potential per tonne of consumed hydrogen and where no other more energy and cost efficient options are available;		
615a		***(ca) identify the most relevant and cost-efficient network connections and network reinforcements for renewable gas, including renewable hydrogen;***		*Support as before*
Article 51(2), point (d)				
616	(d) provide for a time frame for all investment and decommissioning projects;	(d) provide for a time frame for all investment and decommissioning ***or*** projects ***and all demand-side solutions not requiring new infrastructure investments***;	(d) provide for a time frame for all investment and decommissioning projects;	*Support as before*
616a		***(da) include information on capacity needs, both in volume and duration, as negotiated between network users and hydrogen transmission network operators as well as the predicted supply and demand for hydrogen,***		*Support as before*

PUBLIC

		specifically taking into account end-users in hard-to-decarbonise sectors, which have the highest greenhouse gas emissions abatement potential per tonne of consumed hydrogen and where no other more energy and cost efficient options are available;	PUBLIC	
616b		***(db) identify investment gaps, in particular with respect to cross-border capacities, that are needed for the establishment of an integrated Union hydrogen market enabling hydrogen to move freely across borders, taking into account the hydrogen storage development and the integration of hydrogen imports;***		*Support as before*
Article 51(2), point (e)				
617	(e) be based on a joint scenario framework developed between the relevant infrastructure operators, including relevant distribution system operators, of at least gas and electricity;	(e) be based on a joint scenario framework developed between the relevant infrastructure operators, including relevant distribution system operators, of at least gas***, including hydrogen, electricity and district heating and the regulatory authorities, which shall incorporate reasonable***	(e) be based on a joint scenario framework developed between the relevant infrastructure operators, including relevant distribution system operators, of at least **natural** gas and electricity**. Such scenarios shall be based on reasonable assumptions about the evolution of the production,**	*We are generally supportive. However, the level of detail of EP should be less prescriptive, maybe «…which shall incorprate* ***inter alia****… ».* *More important for us is to solve a problem with the « joint scenario*

		assumptions for the evolution of production, consumption and trade of energy and shall be developed with input from all relevant stakeholders as referred to in paragraph 8a of this Article; evolution of biomethane production incorporated in the joint scenario framework shall be based on the regional maps referred to in Article 17a(1) of Regulation [recast Gas Regulation as proposed in COM(2021)xxx]; the joint scenario framework shall include a long-term perspective, with intermediate steps, until 2050 in line with point (g) of this paragraph and take into account the joint scenario framework from the Union-wide ten-year network development plan;	**supply, consumption and exchanges with other countries**;	*framework developed between infrastructure operators » :* *With our new System Development Plans we go beyond the « joint scenarios », coordinated in a broader process (together also with stakeholders) by the Ministry.* *One key outcome are joint scenarios, developed « with » rather than « between » system operators, so we ask to* ***replace « between » by « with »*** *Alternatively this could also be solved by « be based on a joint scenario for all relevant infrastructures including gas, hydrogen and electricity »*
617a		***(ea) be developed in a close cooperation between gas, hydrogen and electricity operators on the basis on identified coordinated priority corridors for renewable electricity and renewable gas in accordance with the joint scenario framework developed under point (e);***		

PUBLIC

Article 51(2), point (f)				
618	(f) be consistent with the results of the common and national risk assessments under Article 7 of Regulation 2017/1938;	(f) be consistent with the results of the common and national risk assessments under Article 7 of Regulation 2017/1938;	(f) be consistent with the results of the common and national risk assessments under Article 7 of Regulation 2017/1938;	
Article 51(2), point (g)				
619	(g) be in line with the integrated national energy and climate plan and its updates, and with the integrated national energy climate reports submitted in accordance with Regulation (EU) 2018/1999 and support the climate-neutrality objective set out in Article 2(1), of Regulation (EU) 2021/1119.	(g) ***contribute to achieving*** the integrated national energy and climate plan and its updates, the integrated national energy climate reports ***and long-term strategies*** submitted in accordance with Regulation (EU) 2018/1999 and support the ***GHG emissions reductions and*** climate-neutrality ***objectives*** set out in ***Articles 2(1) and 4(1)*** of Regulation (EU) 2021/1119 ***and relevant national decarbonisation objectives;***	(g) be in line with the integrated national energy and climate plan and its updates, and with the integrated national energy climate reports submitted in accordance with Regulation (EU) 2018/1999 and support the climate-neutrality objective set out in Article 2(1), of Regulation (EU) 2021/1119.	Open to EP amendment
619a		***(ga) be in line with and contribute to the latest Union energy and climate objectives for 2030 as defined under targets agreed in Directive (EU) .../... , Article 26 of the Directive (EU)***		

PUBLIC

		…/… and in Directive (EU) 2018/2011 [amended RED];		
619b		***(gb) be consistent with the Union-wide ten-year network development plan referred to in Article 29 of Regulation ... [recast Gas Regulation as proposed in COM(2021)xxx].***		
619c		***(gc) take into account the distribution network development plans referred to in Article 52b.***		
Article 51(3)				
620	3. When elaborating the ten-year network development plan, the transmission system operator shall fully take into account the potential for alternatives to system expansion, for instance the use of demand response, as well as expected consumption following the application of the energy efficiency first principle, trade with other countries and the Union-wide network development	3. When elaborating the ten-year network development plan, the transmission system operator ***and the hydrogen transmission network operator*** shall fully take into account the potential for alternatives to system expansion, ***in particular decommissioning or repurposing of infrastructure*** as well as ***demand-side solutions not requiring new natural gas or hydrogen infrastructure, and***	3. When elaborating the ten-year network development plan, the transmission system operator shall fully take into account the potential for alternatives to system expansion, for instance the use of demand response, as well as expected consumption following the application of the energy efficiency first principle **and demand reduction targets**, trade with other countries and the	

PUBLIC

	plan. The transmission system operator shall assess how to address, where possible, a need across electricity and gases systems including information on the optimal location and size of energy storage and power to gas assets.	expected consumption following the application of the energy efficiency first principle, trade with other countries and the Union-wide network development plan. ***The prioritisation of the end-users in hard-to-decarbonise sectors, which have the highest greenhouse gas emissions abatement potential per tonne of consumed hydrogen and where no other more energy and cost efficient options are available, shall be considered. The*** transmission system operator ***and hydrogen transmission network operator*** shall assess how to address, where possible, a need across electricity***, heat and gas*** systems including information on the optimal location and size of energy storage**,** power to gas assets ***and hydrogen-ready plants as well as planning for co-location of future production and use sites, where possible***. ***The hydrogen transmission network operator shall include information on the location of end-users in hard-to-decarbonise sectors with the highest greenhouse gas abatement potential per tonne of consumed hydrogen. The transmission system operator and the hydrogen***	Union-wide network development plan. **In view of the energy system integration,** the transmission system operator shall assess how to address, where possible, a need across electricity and gases systems including information on the optimal location and size of energy storage and power to gas assets.	

		transmission network operator shall make reasonable assumptions about the evolution of production, supply and consumption of gas and electricity.		
Article 51(4)				
621	4. The regulatory authority shall consult all actual or potential system users on the ten-year network development plan in an open and transparent manner. Persons or undertakings claiming to be potential system users may be required to substantiate such claims. The regulatory authority shall publish the result of the consultation process, in particular possible needs for investments.	4. The regulatory authority shall consult all actual or potential system users ***and all relevant stakeholders in accordance with paragraph 8a,*** on the ten-year network development plan in an open and transparent manner. Persons or undertakings claiming to be potential system users may be required to substantiate such claims. The regulatory authority shall publish the result of the consultation process, ***including*** possible needs for investments***, decommissioning of assets and demand-side solutions not requiring new infrastructure investments***.	4. The regulatory authority shall consult all actual or potential system users on the ten-year network development plan in an open and transparent manner. Persons or undertakings claiming to be potential system users may be required to substantiate such claims. The regulatory authority shall publish the result of the consultation process, in particular possible needs for investments.	*Open to EP amendements*
Article 51(5), first subparagraph				
622	5. The regulatory authority shall examine whether the ten-year network development plan covers	5. The regulatory authority shall examine whether the ten-year network development plan	5. The regulatory authority shall examine whether the ten-year network development plan covers	*Uphold Council version : EP amendments would increase adminsitrative burden excessively, not supported here.*

PUBLIC

	all investment needs identified during the consultation process, and whether it is consistent with the most recent Union wide simulation of disruption scenarios carried out by the ENTSO for Gas under Article 7 of Regulation (EU) 2017/1938, with the regional and national risk assessments and the non-binding Union -wide ten-year network development plan (Union -wide network development plan) referred to in Article 30(1), point (b), of Regulation (EU) 2019/943. If any doubt arises as to the consistency with the Union -wide network development plan, the regulatory authority shall consult ACER. The regulatory authority may require the transmission system operator to amend its ten-year network development plan.	***complies with paragraphs 1, 2 and 3,*** covers all investment needs identified during the consultation process, ***promotes energy system integration and is in line with the energy efficiency first principle, the integrated national energy and climate plan and its updates, with the integrated national energy climate reports and long-term strategies submitted in accordance with Regulation (EU) 2018/1999,*** and whether it is consistent with the most recent Union wide simulation of disruption scenarios carried out by the ***ENTSOG*** under Article 7 of Regulation (EU) 2017/1938, with the regional and national risk assessments***, the Union-wide ten-year network development plan referred to in Article 29 of Regulation ... [recast Gas Regulation as proposed in COM(2021)] and*** the non-binding ***Union-wide*** ten-year network development plan (Union -wide network development plan) referred to in Article 30(1), point (b), of Regulation (EU) 2019/943. If any doubt arises as to the consistency with the Union -wide network development plan, the regulatory authority shall consult ACER. ***The European***	all investment needs identified during the consultation process, and whether it is consistent with the most recent Union wide simulation of disruption scenarios carried out by the ENTSO for Gas under Article 7 of Regulation (EU) 2017/1938, with the regional and national risk assessments and the non-binding Union -wide ten-year network development ~~plan~~**plans** (Union -wide network development ~~plan~~**plans**) referred to in Article 30(1), point (b), of Regulation (EU) 2019/943**, Article 29 of [the recast Gas regulation as proposed in COM(2021)804] and Article 43 of [the recast Gas regulation as proposed in COM(2021)804]** . If any doubt arises as to the consistency with the Union - wide network development plan, the regulatory authority shall consult ACER. The regulatory authority may require the transmission system operator to amend its ten-year network development plan.	(*Also, long term strategies and system integration should already have been included at an earlier stage)*

		Scientific Advisory Board on Climate Change may give an opinion on the draft ten-year network development plan. The regulatory authority ***shall publish a decision, including a report, approving, amending or requiring*** the transmission system operator ***or the hydrogen transmission network operator*** to amend its ten-year network development plan ***to resolve any identified inconsistencies with paragraphs 1, 2 and 3***.	PUBLIC	
Article 51(5), second subparagraph				
623	The competent national authorities shall examine the consistency of the ten-year network development plan with the national energy and climate plan and its updates and with the integrated national energy climate reports submitted in accordance with Regulation (EU) 2018/1999.	▌	The competent national authorities shall examine the consistency of the ten-year network development plan with the **climate-neutrality objective set out in Article 2(1), of Regulation (EU) 2021/1119,** national energy and climate plan and its updates and with the integrated national energy climate reports submitted in accordance with Regulation (EU) 2018/1999 **and, in case of inconsistency, may provide the regulatory authority a substantiated opinion setting out the inconsistency, to be taken duly into account**.	

Article 51(6)				
624	6. The regulatory authority shall monitor and evaluate the implementation of the ten-year network development plan.	6. The regulatory authority shall monitor and evaluate the implementation of the ten-year network development plan. ***Such monitoring and evaluation shall be made publicly available.***	6. The regulatory authority shall monitor and evaluate the implementation of the ten-year network development plan.	
624a		***6a. The regulatory authority shall take the examination of network development plan for hydrogen into account in its approval of dedicated charges within the meaning of Article 4 of [recast Gas Regulation as proposed in COM(2021)xxx].***		
Article 51(7), first subparagraph				
625	7. In circumstances where the independent system operator or independent transmission operator, other than for overriding reasons beyond its control, does not execute an investment, which, under the ten-year network development plan, was to be executed in the following three	7. In circumstances where the independent system operator**,** ***independent transmission operator or the hydrogen transmission network operator is unbundled in accordance with the rules applicable to the operator concerned*** , other than for overriding reasons beyond its	7. In circumstances where the independent system operator or independent transmission operator, other than for overriding reasons beyond its control, does not execute an investment, which, under the ten-year network development plan, was to be executed in the following three	*Support for EP amendments here and after*

PUBLIC

	years, Member States shall ensure that the regulatory authority is required to take at least one of the following measures to ensure that the investment in question is made if such investment is still relevant on the basis of the most recent ten-year network development plan:	control, does not execute an investment ***in accordance with paragraph 2, point (b),*** which, under the ten-year network development plan, was to be executed in the following three years, Member States shall ensure that the regulatory authority is required to take at least one of the following measures to ensure that the investment in question is made if such investment is still relevant on the basis of the most recent ten-year network development plan:	years, Member States shall ensure that the regulatory authority is required to take at least one of the following measures to ensure that the investment in question is made if such investment is still relevant on the basis of the most recent ten-year network development plan:	
Article 51(7), first subparagraph, point (a)				
626	(a) to require the transmission system operator to execute the investments in question;	(a) to require the transmission system operator ***or the hydrogen transmission network operator*** to execute the investments in question;	(a) to require the transmission system operator to execute the investments in question;	
Article 51(7), first subparagraph, point (b)				
627	(b) to organise a tender procedure open to any investors for the investment in question;	(b) to organise a tender procedure open to any investors for the investment in question;	(b) to organise a tender procedure open to any investors for the investment in question;	
Article 51(7), first subparagraph, point (c)				
628				

	(c) to oblige the transmission system operator to accept a capital increase to finance the necessary investments and allow independent investors to participate in the capital.	(c) to oblige the transmission system operator ***or the hydrogen transmission network operator*** to accept a capital increase to finance the necessary investments and allow independent investors to participate in the capital. ▌	(c) to oblige the transmission system operator to accept a capital increase to finance the necessary investments and allow independent investors to participate in the capital.	
Article 51(7), second subparagraph				
629	Where the regulatory authority has made use of its powers under point (b) the first subparagraph, it may oblige the transmission system operator to agree to one or more of the following:	Where the regulatory authority has made use of its powers under point (b) the first subparagraph, it may oblige the transmission system operator ***or the hydrogen transmission network operator*** to agree to one or more of the following:	Where the regulatory authority has made use of its powers under point (b) the first subparagraph, it may oblige the transmission system operator to agree to one or more of the following:	
Article 51(7), second subparagraph, point (a)				
630	(a) financing by any third party;	(a) financing by any third party;	(a) financing by any third party;	
Article 51(7), second subparagraph, point (b)				
631	(b) construction by any third party;	(b) construction***, repurposing or decommissioning*** by any third party;	(b) construction by any third party;	*Support for EP amendment*
Article 51(7), second subparagraph, point (c)				
632				*Support for EP amendment*

PUBLIC

	(c) building the new assets concerned itself;	(c) building the new assets ***or decommission or repurpose existing assets*** concerned itself;	(c) building the new assets concerned itself;	
Article 51(7), second subparagraph, point (d)				
633	(d) operating the new assets concerned itself.	(d) operating the new assets concerned itself.	(d) operating the new assets concerned itself.	
Article 51(7), third subparagraph				
634	The transmission system operator shall provide the investors with all information needed to realise the investment, shall connect new assets to the transmission network and shall generally make its best efforts to facilitate the implementation of the investment project.	The transmission system operator ***or the hydrogen transmission network operator*** shall provide the investors with all information needed to realise the investment, shall connect new assets to the transmission network and shall generally make its best efforts to facilitate the implementation of the investment project.	The transmission system operator shall provide the investors with all information needed to realise the investment, shall connect new assets to the transmission network and shall generally make its best efforts to facilitate the implementation of the investment project.	*Support for EP amendment*
Article 51(7), fourth subparagraph				
635	The relevant financial arrangements shall be subject to approval by the regulatory authority.	The relevant financial arrangements shall be subject to approval by the regulatory authority.	The relevant financial arrangements shall be subject to approval by the regulatory authority.	
Article 51(8)				
636				

PUBLIC

	8. Where the regulatory authority has made use of its powers under paragraph 7, the relevant tariff regulations shall cover the costs of the investments in question.	8. Where the regulatory authority has made use of its powers under paragraph 7, the relevant tariff regulations shall cover the costs of the investments in question.	8. Where the regulatory authority has made use of its powers under paragraph 7, the relevant tariff regulations shall cover the costs of the investments in question.	
636a		***8a. Without prejudice to other consultation or transparency provisions laid down in Union law, including this Directive and Regulation [recast Gas Regulation as proposed in COM(2021)xxx], or national law, when engaging in stakeholder consultations referred to in paragraph 1, paragraph 2, point (e) and paragraph 4 of this Article, the transmission system operator, the hydrogen transmission network operator and the regulatory authority shall comply with the following:***		*EP proposal for 8a (until line 636f) is overdetailed and cannot be supported*
636b		***(a) the consultations shall be effective and extensive and shall take place at an early stage prior to the development of the ten-year network development plan in an open, inclusive and transparent***		

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		manner; the participation shall be voluntary and all relevant stakeholders shall be invited to participate, including the distribution system operator and hydrogen distribution network operator, associations involved in electricity, gas and hydrogen markets, heating and cooling, supply and production undertakings, independent aggregators, demand-response operators, organisations involved in energy efficiency solutions, energy consumer associations, civil society representatives, research organisations and universities, where appropriate;		
636c		***(b) as a derogation from point (a), infrastructure operators, including LNG terminal operators, storage operators, hydrogen storage and terminal operators, distribution system operators, hydrogen distribution network operators as well as district heating infrastructure and electricity operators shall be required to provide and exchange all relevant information to the transmission system operators***		

PUBLIC

		and the hydrogen transmission network operators required for developing the single plan; end-users in hard-to-decarbonise sectors with the highest greenhouse gas abatement potential per tonne of consumed hydrogen where no other more energy and cost efficient options are available shall be required to provide and exchange all relevant information to the hydrogen transmission network operators; their views shall be fully taken into account without prejudice to paragraphs 1, 2 and 3;		
636d		***(c) all official documents related to the consultations and documents used for development of the draft plan and the final plan shall be made public while taking into consideration commercially sensitive information and data protection;***		
636e		***(d) before the transmission system operator and the hydrogen transmission network operator***		

PUBLIC

		submit the ten-year network development plan to the regulatory authority for approval, and in case the regulatory authority issues its decision approving or requiring amendments to the plan, the transmission system operator, the hydrogen transmission network operator as the case may be, shall be able to duly justify all instances where observations have not been taken into account, or have only partially been taken into account;		
636f		***(e) to ensure early and effective participation, the transmission system operator shall publish its draft network development plan in a timely adequate manner prior to the submission to the regulatory authority, for comments by the stakeholders referred to in point (a).***		
Article 52				
637	Article 52 Hydrogen network development reporting	*deleted*	Article 52 Hydrogen network development reporting	*We could support deletion of entire article by EP (with regard to amendments to Article 51).*

PUBLIC

				Alternatively Art. 52 could be upheld, together with strengthening of reliable H2 network planning already at a much earlier time, along with next Gas NDP cycle (in the 2020s),
Article 52(1)				
638	1. Hydrogen network operators shall submit to the regulatory authority, at regular intervals as determined by that authority, an overview of the hydrogen network infrastructure they aim to develop. That overview shall in particular:	*deleted*	1. Hydrogen network operators shall submit to the regulatory authority, ~~at regular intervals as determined by that authority~~**every two years**, an overview of the hydrogen network infrastructure they aim to develop**. The first overview shall be submitted within six months of the certification of the hydrogen network operator pursuant to Article 65 of this Directive and Article 13 of [recast Gas Regulation as proposed in COM(2021) 804]], or within 12 months of receiving a derogation pursuant to Articles 47 or 48, whichever is earlier. For hydrogen network operators existing at the entry into force of this Directive, the first overview shall be submitted within six months of the entry into force of**	

PUBLIC

			this Directive. That overview shall in particular:	
Article 52(1), point (a)				
639	(a) include information on capacity needs, both in volume and duration, as negotiated between network users and hydrogen network operators;	*deleted*	(a) include information on capacity needs, both in volume and duration, as negotiated between **hydrogen** network users and hydrogen network operators**, as well as on the location of potential future hard-to-decarbonise end-users of the hydrogen network and hydrogen supply**;	
Article 52(1), point (b)				
640	(b) include information on the extent to which repurposed natural gas pipelines will be used for the transport of hydrogen;	*deleted*	*(b)* include information on the extent to which repurposed natural gas pipelines will be used for the transport of hydrogen;	
Article 52(1), point (c)				
641	(c) be in line with the integrated national energy and climate plan and its updates, and with the integrated national energy and climate reports submitted in accordance with Regulation (EU) 2018/1999 and support the	*deleted*	*(c)* be in line with the integrated national energy and climate plan and its updates, and with the integrated national energy and climate reports submitted in accordance with Regulation (EU) 2018/1999 and support the	

PUBLIC

	climate-neutrality objective set out in Article 2(1) of Regulation (EU) 2021/1119.		climate-neutrality objective set out in Article 2(1) of Regulation (EU) 2021/1119.	
Article 52(1), point (d)				
641a			**(d) the information exchanged with hydrogen network operators in neighbouring Member States pursuant to paragraph 2.**	
Article 52(2)				
642	2. Hydrogen storage and terminal operators shall provide and exchange all relevant information required for developing the overview with the hydrogen network operators. Hydrogen network operators shall exchange all relevant information required for developing the overview with other hydrogen network operators.	*deleted*	2. Hydrogen storage and **hydrogen** terminal operators shall provide and exchange all relevant information required for developing the overview with the hydrogen network operators. Hydrogen network operators shall exchange all relevant information required for developing the overview with other hydrogen network operators**, including hydrogen network operators in neighbouring Member States** .	
Article 52(3)				
643	3. The regulatory authority shall examine the overview. It shall take	*deleted*	3. The regulatory authority shall examine the overview **and make**	

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	the overall energy-economic necessity of the hydrogen network into account in this examination as well as the joint scenario framework developed under Article 51 (2), point e).		**recommendations for amendments to the overview by the hydrogen network operator**. It shall take the overall energy-economic necessity of the hydrogen network into account in this examination as well as the joint scenario framework developed under Article 51 (2), point e). **With regard to overviews submitted in relation to hydrogen networks benefitting from a derogation pursuant to Article 47 or Article 48, the regulatory authority may abstain from examining the overview and making recommendations for amendments.**	
Article 52(4)				
644	4. The regulatory authority shall take the examination of the overview into account in its approval of dedicated charges within the meaning of Article 4 of [recast Gas Regulation as proposed in COM(2021)xxx].	*deleted*	4. The regulatory authority shall take the examination of the overview into account in its approval of dedicated charges within the meaning of Article 4 of [recast Gas Regulation as proposed in COM(2021)~~xxx~~ **804**].	
Article 52(5)				
645				

	5. Hydrogen network operators shall publish on a regular basis a joint report on the development of the hydrogen system based on the overview submitted to the regulatory authority. They shall take the examination of the regulatory authority under paragraph 3 into account.	*deleted*	5. Hydrogen network operators shall publish **every two years** ~~on a regular basis~~ a joint report on the development of the hydrogen system based on the overview submitted to the regulatory authority. They shall take the examination **and recommendations** of the regulatory authority under paragraph 3 into account. **The regulatory authority may provide an opinion on the report.**	
645a			**5a. Until 31 January 2035, and without prejudice to the powers of the regulatory authority to supervise grid access rules, Member States may task another competent authority to examine the overview and to make recommendations for amendments to the overview by the hydrogen network operator to ensure consistency with the integrated national energy and climate plans and its updates.**	
Article 52(6)				
646				

PUBLIC

	6. Member States may decide to apply the requirements pursuant to Article 51 to hydrogen network operators.	*deleted*	6. **Where** Member States ~~may decide to~~ **apply a system of regulated third party access to hydrogen networks in accordance with paragraph 1 of Article 31, Member States shall** apply the requirements pursuant to Article 51 to hydrogen network operators **with the exception of those requirements related to Regulation (EU) 2017/1938. Where this is the case, the regulatory authority shall also examine whether the ten-year network development plan submited by hydrogen network operators is consistent with the Union-wide ten-year network development plan for hydrogen referred to in Article 43 of the [recast Gas Regulation]**.	
646a			**7. Instead of applying this Article, Member States may decide to apply the requirements set out in Article 51 to hydrogen network operators as of [the entry into force of this Directive].**	

646b		***Article 52a*** ***Local heating and cooling plans***		*Generally supportive of parts of EP amendment, as highlighted below*
646c		***1. Member States shall ensure that their regional and local authorities prepare local heating and cooling plans at least in municipalities having a total population of at [least 35 000] . Member States shall encourage municipalities with a lower population to prepare such plans. Those plans shall complement the comprehensive heating and cooling assessment in accordance with Article 23(1) of Directive (EU) .../....Each Members State shall complement the comprehensive heating and cooling assessment with a national strategy aiming to reduce the use of gas for the heating and cooling of buildings on distribution level in line with the integrated national energy and climate plan and its updates, with the integrated national energy climate reports and long-term strategies submitted in accordance with Regulation (EU) 2018/1999 and taking into***		*Harmonise w EED threshold*

PUBLIC

		account the availability of more energy and cost-efficient alternatives in accordance with the comprehensive heating and cooling assessment.		
646d		***2. The local heating and cooling plans referred to in paragraph 1 shall at least:***		
646e		***(a) be built upon the local heating and cooling plans referred to in Article 23(6) of Directive (EU) .../...+;***		
646f		***(b) represent the result of a thorough assessment of a specific area's current and future demand for heating and cooling, including the energy demand of final customers in industry, SMEs, buildings and transport, and analyse the potential of decarbonisation by taking into account local and regional renewable energy sources,***		

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		including non-gas renewable energy sources and the potential of biomethane based on the regional maps referred to in Article 17a(1) of Regulation [recast Gas Regulation as proposed in COM(2021)xxx], energy savings and energy efficiency measures as well as the potential of system efficiency through sector integration and the capacity for seasonal storage at local or regional level;		
646g		***(c) be in line with the national building renovation plan referred to in Article 3 of Directive (EU) .../... , the integrated multilevel mapping and planning and Go-to areas in accordance with Article 15b of Directive (EU) 2018/2001 [amended RED] as well as the joint scenario framework as referred to in Article 51(2), point (e) of this Directive;***		
646h		***(;***		*See above*

PUBLIC

646i		***(e) include a strategy that fully considers the strategy referred to in Article 23(6), point (b), of Directive (EU) .../.. and is based on points (a) to (d) of this paragraph, which establishes requirements for the infrastructure necessary on distribution level, including decommissioning and repurposing, to meet the current and future demand for heating and cooling of a specific area in the most energy and cost-efficient way and in consistency with the ten-year network development plan developed under Article 5 and implements the priority use of the most energy and cost-efficient sustainable technology in a specific residential area taking into account the building stock, including the potential of high efficiency district heating expansion contributing to emissions reduction from existing buildings;***		
646j		***(f) create a reliable timeframe and investment-friendly environment for private and***		

PUBLIC

		public actors to meet a specific area's heating and cooling needs, including the decommissioning and repurposing of assets, based on that strategy referred to in point (g);		
646k		***(g) include a trajectory to achieve the goals of the plans in line with climate neutrality and the monitoring of the progress of implementation of policies and measures identified;***		
646l		***(h) be prepared with the involvement of all relevant infrastructure operators on distribution level, of at least gas, including hydrogen, electricity and district heating, as well as all relevant regional or local stakeholders and ensure the participation of the public.***		
646m		***3. Member States shall ensure that all relevant parties, including***		

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		public and relevant private stakeholders, are given the opportunity to participate in the preparation of local heating and cooling plans, the policies and measures. Member States shall ensure that final customers are fully informed about mandatory fuel switches and alternatives in accordance with Article 11a.	PUBLIC	
646n		***For that purpose, Member States shall develop recommendations supporting the regional and local authorities to implement policies and measures in renewable energy based heating and cooling at regional and local levels using the potential identified. Member States shall support regional and local authorities to the utmost extent possible by any means including financial support and technical support schemes.***		
646o		***4. Local heating and cooling plans may be implemented jointly by a group of several neighbouring local authorities***		

		provided that the geographical and administrative context as well as the heating and cooling infrastructure is appropriate.		
646p		***5. The implementation of local heating and cooling plans shall be verified and assessed by a competent authority. Where implementation is considered to be insufficient, on the basis of the trajectory and the monitoring pursuant to paragraph 2, point (g), the competent authority shall propose measures to close the implementation gap.***		
646q		***Article 52b*** ***Distribution network development plans***		
646r		***1. All distribution system operators or hydrogen distribution network operators shall submit a distribution network development plan to the***		*Cannot support EP amendment here :: this cannot be administered in MS with a very large number of DSOs*

PUBLIC

		regulatory authority for approval at least every four years in due time for being considered in the drafting of the ten-year network development plans referred to in Article 51. The distribution network development plan shall set out the planned investments for the next five-to-ten years, including main distribution infrastructure which is required to transport renewable gas from new production facilities, as well as the infrastructure which will be decommissioned and repurposed. Distribution system operators and hydrogen distribution network operators that are active in the same regional area may opt to develop one single joint network development plan. Distribution network development plans shall:		
646s		***(a) be aligned with the Member State's integrated national energy and climate plan, national energy and climate report and long-term strategy submitted under Regulation (EU) 2018/1999, and contribute to the achievement of***		

PUBLIC

		regional and national climate and energy targets for 2030 and 2050;		
646t		***(b) be based on relevant strategies referred to in Article 52a(2), point (c) that establish requirements for the infrastructure on distribution level, including parts that may require decommissioning, aiming to reduce the use of gas in buildings in case more energy and cost-efficient sustainable technologies are available;***		
646u		***(c) be based on reasonable assumptions about the evolution of production, injection, supply and consumption of gas while taking into account the relevant strategies of the local authorities for the heating and cooling of new residential areas as well as requests from final customers to switch fuels;***		
646v				

PUBLIC

		(d) be consistent with the ten-year network development plan referred to in Article 51;		
646w		***(e) promote priority use of renewable gas and low-carbon gas in hard-to-decarbonise sectors where no other more energy and cost efficient options are available;***		
646x		***(f) contain all investments, including demand-side solutions not requiring new infrastructure investments, energy storage facilities or other available energy system resources as an alternative to system expansion where doing so is more efficient as well as grid reinforcement for the injection of biomethane; and***		
646y		***(g) include information on infrastructure that could be decommissioned, where alternatives are available, or***		

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		repurposed for the transport of hydrogen, including to rapidly deliver hydrogen to end-users in hard-to-decarbonise sectors, which have the highest greenhouse gas emissions abatement potential per tonne of consumed hydrogen and where no other more energy and cost efficient options are available.		
646z		***2. The distribution system operator or the hydrogen distribution network operator shall conduct a public consultation on the draft distribution network development plan. The participation is voluntary and all relevant stakeholders shall be invited, including the transmission system operator and hydrogen transmission system operator, as well as district heating infrastructure and electricity operators, associations involved in electricity, gas and hydrogen markets, heating and cooling, supply and production undertakings, independent aggregators, demand-response operators, organisations involved***		

PUBLIC

		in energy efficiency solutions, industrial end-users, energy consumer associations, civil society representatives, research organisations and universities, where appropriate. To ensure early and effective participation, the distribution system operator or the hydrogen distribution network operator shall publish a draft of the network development plan in advance for comments.		
646aa		***3. The distribution system operator or the hydrogen distribution network operator shall make public the results of the consultation processes together with the draft distribution network development plan.***		
646ab		***4. The regulatory authority shall approve or reject the distribution network plan and may require amendments to the plan, based on its consistency or inconsistency with the requirements of paragraph 1, before making a***		

PUBLIC

		decision to approve or reject the plan.		
646ac		***5. However, Member States may decide not to apply the obligations set out in paragraphs 1 to 4 to distribution system operator which serve less than 35 000 connected customers by ... [the date of entry into force of this Directive].***		
646ad		***6. Where the strategy referred to in Article 52a(2), point (e), or the distribution network development plan developed under this Article identifies that parts of the distribution system may require decommissioning, in particular before the end of their originally projected useful lifecycle, and will not be repurposed for the transport of hydrogen, Member States shall ensure regulatory guidance from the regulatory authorities and financial support for distribution system operators. Support measures shall take into account security of supply, the***		

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		affordability of network tariffs and environmental requirements. Complementary, the distribution system operator shall propose interventions to the regulatory authority to equitably allocate the efficient costs of the assets over their remaining lifecycle until they are decommissioned. To that end, the regulatory authority may in coordination with the distribution system operator set up guidelines for a structural approach to the depreciation of assets. Such interventions could include, for example, adjusting the depreciation profile or timeline of the assets. The regulatory authority in coordination with the distribution system operator shall decide whether such assets should be decommissioned before the end of their originally projected useful lifecycle and, if so, whether any of the interventions proposed by the distribution system operator, or any alternative interventions, shall be implemented to equitably allocate the efficient costs of the assets over their remaining lifecycle until decommissioning. The repurposing of assets for the transport of hydrogen in accordance with paragraph 2,		

PUBLIC

		point (g), shall be taken into account. The distribution system operator shall implement the interventions decided by the regulatory authority.		
Article 53				
647	Article 53 Financing cross-border hydrogen infrastructure	Article 53 Financing cross-border hydrogen infrastructure	Article 53 Financing cross-border hydrogen infrastructure	*Maintain Council position for entire Art. 53*
647a		***-1. Without prejudice to Article 4 of Regulation [recast Gas Regulation as proposed in COM(2021)xxx], there shall be no cross-subsidisation between current gas grid users and the users of the future hydrogen network.***		
Article 53(1)				
648	1. Where Member States apply a system of regulated third party access to hydrogen networks pursuant to Article 31, paragraph 1 and where a hydrogen interconnector project is included in the EU-wide ten-year network	1. Where Member States apply a system of regulated third party access to hydrogen networks pursuant to Article 31, paragraph 1 and where a hydrogen interconnector project is included in the EU-wide ten-year network	1. Where Member States apply a system of regulated third party access to hydrogen networks pursuant to Article 31~~,~~ paragraph 1 and where a hydrogen interconnector project ~~is included in the EU-wide ten-year network~~	

PUBLIC

	development plan as referred to in Article 29 or Article 43 of [recast Gas Regulation as proposed in COM(2021)xxx] and is not a project of common interest as referred to in [Chapter II and Annex I point 3 of Regulation xxx on Guidelines for trans-European energy infrastructure], adjacent and affected hydrogen network operators shall design a project plan, including a request for cross-border cost allocation, and submit it jointly to the concerned regulatory authorities for a joint approval.	development plan as referred to in Article 29 ▌ of [recast Gas Regulation as proposed in COM(2021)xxx] and is not a project of common interest as referred to in [Chapter II and Annex I point 3 of Regulation xxx on Guidelines for trans-European energy infrastructure], adjacent and affected hydrogen network operators shall design a project plan, including a request for cross-border cost allocation, and submit it jointly to the concerned regulatory authorities for a joint approval.	~~development plan as referred to in Article 29 or Article 43 of [recast Gas Regulation as proposed in COM(2021)xxx] and~~ is not a project of common interest as referred to in [Chapter II and Annex I point 3 of Regulation xxx on Guidelines for trans-European energy infrastructure], adjacent and affected hydrogen network operators shall **bear the costs of the project and may include them within their respective tariff systems. If they identify a substantial gap between benefits and costs, they may** design a project plan, including a request for cross-border cost allocation, and submit it jointly to the concerned regulatory authorities for a joint approval.	
648a			**2. Where hydrogen network operators submit a project plan as set out in paragraph 1 of this Article, the following shall apply:**	
Article 53(2)				
649				

	2. The project plan and request for cross-border cost allocation shall be accompanied by a project-specific cost-benefit analysis, taking into account benefits beyond the borders of Member States concerned, and by a business plan evaluating the financial viability of the project, which shall include a financing solution and specify whether the hydrogen network operators involved agree on a substantiated proposal for a cross-border cost allocation.	2. The project plan and request for cross-border cost allocation shall be accompanied by a project-specific cost-benefit analysis, taking into account benefits beyond the borders of Member States concerned, and by a business plan evaluating the financial viability of the project, which shall include a financing solution and specify whether the hydrogen network operators involved agree on a substantiated proposal for a cross-border cost allocation.	~~2~~**a**. The project plan and request for cross-border cost allocation shall be accompanied by a project-specific cost-benefit analysis, taking into account benefits beyond the borders of Member States concerned, and by a business plan evaluating the financial viability of the project, which shall include a financing solution and specify whether the hydrogen network operators involved agree on a substantiated proposal for a cross-border cost allocation.	
Article 53(3)				
650	3. The concerned regulatory authorities shall, after consulting the hydrogen network operators, take coordinated decisions on the allocation of investment costs to be borne by each network operator for the project.	3. The concerned regulatory authorities shall, after consulting the hydrogen network operators, take coordinated decisions on the allocation of investment costs to be borne by each network operator for the project.	~~3~~**b**. The concerned regulatory authorities ~~shall~~ **may**, after consulting the hydrogen network operators, take coordinated decisions on the allocation of investment costs to be borne by each network operator for the project.	
Article 53(4)				
651	4. Where the concerned regulatory authorities cannot reach an agreement on the request within six months, ACER shall take a	4. Where the concerned regulatory authorities cannot reach an agreement on the request within six months, ACER shall take a	~~4~~**c**. Where the concerned regulatory authorities cannot reach an agreement on the request**, they may decide to jointly submit the**	

	decision, following the process pursuant to Article 6(10) in Regulation (EU) 2019/942.	decision, following the process pursuant to Article 6(10) in Regulation (EU) 2019/942.	**case to ACER.** ~~within six months,~~ ACER shall take a decision, following the process pursuant to Article 6(10) in Regulation (EU) 2019/942.	
Article 53(5)				
652	5. After 31 December 2030, all affected hydrogen network operators shall negotiate a system of financial compensation to ensure financing for cross-border hydrogen infrastructure. While developing that, hydrogen network operators shall conduct an extensive consultation process involving all relevant market participants.	5. After 31 December 2030, all affected hydrogen network operators shall negotiate a system of financial compensation to ensure financing for cross-border hydrogen infrastructure ***in the event that no tariffs are charged for access to hydrogen networks at interconnection points between Member States pursuant to Article 6(7), of Regulation [recast Gas Regulation as proposed in COM(2021)xxx]. When*** developing that ***system***, hydrogen network operators shall conduct an extensive consultation process involving all relevant market participants ***and shall take into account any decision of the regulatory authorities concerned or of ACER to charge tarrifs for access to hydrogen networks at interconnection points between Member States adopted pursuant to Article 6(7), of Regulation***	5. ~~After 31 December 2030, all affected hydrogen network operators shall negotiate a system of financial compensation to ensure financing for cross-border hydrogen infrastructure. While developing that, hydrogen network operators shall conduct an extensive consultation process involving all relevant market participants.~~	

PUBLIC

		[recast Gas Regulation as proposed in COM(2021)xxx].		
Article 53(6)				
653	6. The hydrogen network operators concerned shall agree on the system of financial compensation within 3 years and by 31 December 2033. If no agreement is reached within that period, the involved regulatory authorities shall decide jointly within 2 years. Where the relevant regulatory authorities cannot reach a joint agreement within 2 years, ACER shall take a decision, following the process pursuant to Article 6(10) in Regulation (EU) 2019/942.	6. The hydrogen network operators concerned shall agree on the system of financial compensation within 3 years and by 31 December 2033 ***and submit it to the regulatory authorities concerned for their joint approval***. If no agreement is reached within that period, the involved regulatory authorities shall decide jointly within 2 years. Where the relevant regulatory authorities cannot reach a joint agreement within 2 years, ACER shall take a decision, following the process pursuant to Article 6(10) in Regulation (EU) 2019/942.	6. ~~The hydrogen network operators concerned shall agree on the system of financial compensation within 3 years and by 31 December 2033. If no agreement is reached within that period, the involved regulatory authorities shall decide jointly within 2 years. Where the relevant regulatory authorities cannot reach a joint agreement within 2 years, ACER shall take a decision, following the process pursuant to Article 6(10) in Regulation (EU) 2019/942.~~	
Article 53(7)				
654	7. The system of financial compensation shall be implemented in line with Article 72(1), point (b).	7. The system of financial compensation shall be implemented in line with Article 72(1), point (b).	7. ~~The system of financial compensation shall be implemented in line with Article 72(1), point (b).~~	
Article 53(8)				
655				

PUBLIC

	8. For the transition to a system of financial compensation mechanism, existing capacity contracts shall not be affected by the established financial compensation mechanism.	8. For the transition to a system of financial compensation mechanism, existing capacity contracts shall not be affected by the established financial compensation mechanism.	8. ~~For the transition to a system of financial compensation mechanism, existing capacity contracts shall not be affected by the established financial compensation mechanism.~~	
Article 53(9)				
656	9. Further details required to implement the process set out in this Article, including required processes and time frames, process for reviewing and if necessary amending the compensation mechanism allowing taking into account tariff evolution and the development of the hydrogen networks, shall be set in a network code established on the basis of Article 54 of [recast Gas Regulation as proposed in COM(2021)xxx].	9. Further details required to implement the process set out in this Article, including required processes and time frames, process for reviewing and if necessary amending the compensation mechanism allowing taking into account tariff evolution and the development of the hydrogen networks, shall be set in a network code established on the basis of Article 54 of [recast Gas Regulation as proposed in COM(2021)xxx].	9. ~~Further details required to implement the process set out in this Article, including required processes and time frames, process for reviewing and if necessary amending the compensation mechanism allowing taking into account tariff evolution and the development of the hydrogen networks, shall be set in a network code established on the basis of Article 54 of [recast Gas Regulation as proposed in COM(2021)xxx].~~	
656a		***9a. Paragraphs 1 to 9 shall not apply to hydrogen distribution network operators unless they operate cross-border infrastructure.***		
Chapter IX				

657	Chapter IX Unbundling of transmission system operators	Chapter IX Unbundling of transmission system operators	Chapter IX -Unbundling of transmission system operators	
Section 1				
658	Section 1 ownership unbundling	Section 1 ownership unbundling	Section 1 -ownership unbundling	
Article 54				
659	Article 54 Unbundling of transmission systems and transmission system operators	Article 54 Unbundling of transmission systems and transmission system operators	Article 54 Unbundling of transmission systems and transmission system operators	
Article 54(1)				
660	1. Member States shall ensure that:	1. Member States shall ensure that:	1. Member States shall ensure that:	
Article 54(1), point (a)				
661	(a) each undertaking which owns a transmission system acts as a transmission system operator;	(a) each undertaking which owns a transmission system acts as a transmission system operator;	(a) each undertaking which owns a transmission system acts as a transmission system operator;	
Article 54(1), point (b)				
662				

PUBLIC

	(b) the same person or persons are entitled neither:	(b) the same person or persons are entitled neither:	(b) the same person or persons are entitled neither:	
Article 54(1), point (b)(i)				
663	(i) directly or indirectly to exercise control over an undertaking performing any of the functions of production or supply, and directly or indirectly to exercise control or exercise any right over a transmission system operator or over a transmission system; nor	(i) directly or indirectly to exercise control over an undertaking performing any of the functions of production or supply, and directly or indirectly to exercise control or exercise any right over a transmission system operator or over a transmission system; nor	(i) directly or indirectly to exercise control over an undertaking performing any of the functions of production or supply, and directly or indirectly to exercise control or exercise any right over a transmission system operator or over a transmission system; nor	
Article 54(1), point (b)(ii)				
664	(ii) directly or indirectly to exercise control over a transmission system operator or over a transmission system, and directly or indirectly to exercise control or exercise any right over an undertaking performing any of the functions of production or supply;	(ii) directly or indirectly to exercise control over a transmission system operator or over a transmission system, and directly or indirectly to exercise control or exercise any right over an undertaking performing any of the functions of production or supply;	(ii) directly or indirectly to exercise control over a transmission system operator or over a transmission system, and directly or indirectly to exercise control or exercise any right over an undertaking performing any of the functions of production or supply;	
Article 54(1), point (c)				
665	(c) the same person or persons are not entitled to appoint members of the supervisory board, the	(c) the same person or persons are not entitled to appoint members of the supervisory board, the	(c) the same person or persons are not entitled to appoint members of the supervisory board, the	

PUBLIC

	administrative board or bodies legally representing the undertaking, of a transmission system operator or a transmission system, and directly or indirectly to exercise control or exercise any right over an undertaking performing any of the functions of production or supply;	administrative board or bodies legally representing the undertaking, of a transmission system operator or a transmission system, and directly or indirectly to exercise control or exercise any right over an undertaking performing any of the functions of production or supply;	administrative board or bodies legally representing the undertaking, of a transmission system operator or a transmission system, and directly or indirectly to exercise control or exercise any right over an undertaking performing any of the functions of production or supply;	
Article 54(1), point (d)				
666	(d) the same person is not entitled to be a member of the supervisory board, the administrative board or bodies legally representing the undertaking, of both an undertaking performing any of the functions of production or supply and a transmission system operator or a transmission system.	(d) the same person is not entitled to be a member of the supervisory board, the administrative board or bodies legally representing the undertaking, of both an undertaking performing any of the functions of production or supply and a transmission system operator or a transmission system.	(d) the same person is not entitled to be a member of the supervisory board, the administrative board or bodies legally representing the undertaking, of both an undertaking performing any of the functions of production or supply and a transmission system operator or a transmission system.	
Article 54(2)				
667	2. The rights referred to in paragraph 1, points (b) and (c), shall include, in particular:	2. The rights referred to in paragraph 1, points (b) and (c), shall include, in particular:	2. The rights referred to in paragraph 1, points (b) and (c), shall include, in particular:	
Article 54(2), point (a)				
668	(a) the power to exercise voting rights;	(a) the power to exercise voting rights;	(a) the power to exercise voting rights;	

Article 54(2), point (b)				
669	(b) the power to appoint members of the supervisory board, the administrative board or bodies legally representing the undertaking; or	(b) the power to appoint members of the supervisory board, the administrative board or bodies legally representing the undertaking; or	(b) the power to appoint members of the supervisory board, the administrative board or bodies legally representing the undertaking; or	
Article 54(2), point (c)				
670	(c) the holding of a majority share.	(c) the holding of a majority share.	(c) the holding of a majority share.	
Article 54(3)				
671	3. For the purpose of paragraph 1, point (b), the term 'undertaking performing any of the functions of production or supply' shall be understood as including 'undertaking performing any of the functions of generation or supply' within the meaning of Directive (EU) 2019/944 of the European Parliament and of the Council[1], and the terms 'transmission system operator' and 'transmission system' shall be understood as including 'transmission system operator' and	3. For the purpose of paragraph 1, point (b), the term 'undertaking performing any of the functions of production or supply' shall be understood as including 'undertaking performing any of the functions of generation or supply' within the meaning of Directive (EU) 2019/944 of the European Parliament and of the Council[1], and the terms 'transmission system operator' and 'transmission system' shall be understood as including 'transmission system operator' and	3. For the purpose of paragraph 1, point (b), the term 'undertaking performing any of the functions of production or supply' shall be understood as including 'undertaking performing any of the functions of generation or supply' within the meaning of Directive (EU) 2019/944 of the European Parliament and of the Council[1], and the terms 'transmission system operator' and 'transmission system' shall be understood as including 'transmission system operator' and	

PUBLIC

	‘transmission system’ within the meaning of that Directive. _____ 1. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125).	‘transmission system’ within the meaning of that Directive. _____ 1. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125).	‘transmission system’ within the meaning of that Directive. _____ 1. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125).	
Article 54(4)				
672	4. The obligation set out in paragraph 1, point (a), of this Article shall be deemed to be fulfilled in a situation where two or more undertakings which own transmission systems have created a joint venture which acts as a transmission system operator in two or more Member States for the transmission systems concerned. No other undertaking may be part of the joint venture, unless it has been approved under Article 55 as an independent system operator or as an independent transmission operator for the purposes of Section 3.	4. The obligation set out in paragraph 1, point (a), of this Article shall be deemed to be fulfilled in a situation where two or more undertakings which own transmission systems have created a joint venture which acts as a transmission system operator in two or more Member States for the transmission systems concerned. No other undertaking may be part of the joint venture, unless it has been approved under Article 55 as an independent system operator or as an independent transmission operator for the purposes of Section 3.	4. The obligation set out in paragraph 1, point (a), of this Article shall be deemed to be fulfilled in a situation where two or more undertakings which own transmission systems have created a joint venture which acts as a transmission system operator in two or more Member States for the transmission systems concerned. No other undertaking may be part of the joint venture, unless it has been approved under Article 55 as an independent system operator or as an independent transmission operator for the purposes of Section 3.	
Article 54(5)				
673	5. For the implementation of this Article, where the person referred	5. For the implementation of this Article, where the person referred	5. For the implementation of this Article, where the person referred	

PUBLIC

	to in points (b), (c) and (d) of paragraph 1 is the Member State or another public body, two separate public bodies exercising control over a transmission system operator or over a transmission system on the one hand, and over an undertaking performing any of the functions of production or supply on the other, shall be deemed not to be the same person or persons.	to in points (b), (c) and (d) of paragraph 1 is the Member State or another public body, two separate public bodies exercising control over a transmission system operator or over a transmission system on the one hand, and over an undertaking performing any of the functions of production or supply on the other, shall be deemed not to be the same person or persons.	to in points (b), (c) and (d) of paragraph 1 is the Member State or another public body, two separate public bodies exercising control over a transmission system operator or over a transmission system on the one hand, and over an undertaking performing any of the functions of production or supply on the other, shall be deemed not to be the same person or persons.	
Article 54(6)				
674	6. Member States shall ensure that neither commercially sensitive information referred to in Article 36 held by a transmission system operator which was part of a vertically integrated undertaking, nor the staff of such a transmission system operator, is transferred to undertakings performing any of the functions of production and supply.	6. Member States shall ensure that neither commercially sensitive information referred to in Article 36 held by a transmission system operator which was part of a vertically integrated undertaking, nor the staff of such a transmission system operator, is transferred to undertakings performing any of the functions of production and supply.	6. Member States shall ensure that neither commercially sensitive information referred to in Article 36 held by a transmission system operator which was part of a vertically integrated undertaking, nor the staff of such a transmission system operator, is transferred to undertakings performing any of the functions of production and supply.	
Article 54(7), first subparagraph				
675	7. Where on 3 September 2009 the transmission system belonged to a vertically integrated undertaking, a Member State may	7. Where on 3 September 2009 the transmission system belonged to a vertically integrated undertaking, a Member State may	7. Where on 3 September 2009 the transmission system belonged to a vertically integrated undertaking, a Member State may	

	decide not to apply paragraph 1. As regards the part of the transmission system connecting a Member State with a third country between the border of that Member State and the first connection point with that Member State's network, where on 23 May 2019 the transmission system belongs to a vertically integrated undertaking, a Member State may decide not to apply paragraph 1.	decide not to apply paragraph 1. As regards the part of the transmission system connecting a Member State with a third country between the border of that Member State and the first connection point with that Member State's network, where on 23 May 2019 the transmission system belongs to a vertically integrated undertaking, a Member State may decide not to apply paragraph 1.	decide not to apply paragraph 1. As regards the part of the transmission system connecting a Member State with a third country between the border of that Member State and the first connection point with that Member State's network, where on 23 May 2019 the transmission system belongs to a vertically integrated undertaking, a Member State may decide not to apply paragraph 1.	
Article 54(7), second subparagraph				
676	In such case, the Member State concerned shall either:	In such case, the Member State concerned shall either:	In such case, the Member State concerned shall either:	
Article 54(7), second subparagraph, point (a)				
677	(a) designate an independent system operator in accordance with Article 55, or	(a) designate an independent system operator in accordance with Article 55, or	(a) designate an independent system operator in accordance with Article 55, or	
Article 54(7), second subparagraph, point (b)				
678	(b) comply with the provisions of Section 3.	(b) comply with the provisions of Section 3.	(b) comply with the provisions of Section 3.	
Article 54(8), first subparagraph				

679	8. Where on 3 September 2009 the transmission system belonged to a vertically integrated undertaking and arrangements are in place which guarantee more effective independence of the transmission system operator than the provisions of Section 3., a Member State may decide not to apply paragraph 1 of this Article.	8. Where on 3 September 2009 the transmission system belonged to a vertically integrated undertaking and arrangements are in place which guarantee more effective independence of the transmission system operator than the provisions of Section 3., a Member State may decide not to apply paragraph 1 of this Article.	8. Where on 3 September 2009 the transmission system belonged to a vertically integrated undertaking and arrangements are in place which guarantee more effective independence of the transmission system operator than the provisions of Section 3., a Member State may decide not to apply paragraph 1 of this Article.	
Article 54(8), second subparagraph				
680	As regards the part of the transmission system connecting a Member State with a third country between the border of that Member State and the first connection point with that Member State's network, where on 23 May 2019 the transmission system belongs to a vertically integrated undertaking and arrangements are in place which guarantee more effective independence of the transmission system operator than the provisions of Section 3., that Member State may decide not to apply paragraph 1 of this Article.	As regards the part of the transmission system connecting a Member State with a third country between the border of that Member State and the first connection point with that Member State's network, where on 23 May 2019 the transmission system belongs to a vertically integrated undertaking and arrangements are in place which guarantee more effective independence of the transmission system operator than the provisions of Section 3., that Member State may decide not to apply paragraph 1 of this Article.	As regards the part of the transmission system connecting a Member State with a third country between the border of that Member State and the first connection point with that Member State's network, where on 23 May 2019 the transmission system belongs to a vertically integrated undertaking and arrangements are in place which guarantee more effective independence of the transmission system operator than the provisions of Section 3., that Member State may decide not to apply paragraph 1 of this Article.	
Article 54(9)				

681	9. Before an undertaking is approved and designated as a transmission system operator under paragraph 9 of this Article, it shall be certified in accordance with the procedures laid down in Article 65(4), (5) and (6) of this Directive and in Article 3 of Regulation (EC) No 715/2009 After that, the Commission shall verify that the arrangements in place clearly guarantee more effective independence of the transmission system operator than the provisions of Section 3.	9. Before an undertaking is approved and designated as a transmission system operator under paragraph 9 of this Article, it shall be certified in accordance with the procedures laid down in Article 65(4), (5) and (6) of this Directive and in Article 3 of Regulation (EC) No 715/2009 After that, the Commission shall verify that the arrangements in place clearly guarantee more effective independence of the transmission system operator than the provisions of Section 3.	9. Before an undertaking is approved and designated as a transmission system operator under paragraph 9 of this Article, it shall be certified in accordance with the procedures laid down in Article 65(4), (5) and (6) of this Directive and in Article ~~3~~**13** of Regulation ~~(EC) No 715/2009~~ **COM(2021) 804 final [referecne to recast Regulation]** After that, the Commission shall verify that the arrangements in place clearly guarantee more effective independence of the transmission system operator than the provisions of Section 3.	
Article 54(10)				
682	10. Vertically integrated undertakings which own a transmission system shall not in any event be prevented from taking steps to comply with paragraph 1.	10. Vertically integrated undertakings which own a transmission system shall not in any event be prevented from taking steps to comply with paragraph 1.	10. Vertically integrated undertakings which own a transmission system shall not in any event be prevented from taking steps to comply with paragraph 1.	
Article 54(11)				
683	11. Undertakings performing any of the functions of production or supply shall not in any event be	11. Undertakings performing any of the functions of production or supply shall not in any event be	11. Undertakings performing any of the functions of production or supply shall not in any event be	

	able to directly or indirectly take control over or exercise any right over unbundled transmission system operators in Member States which apply paragraph 1.	able to directly or indirectly take control over or exercise any right over unbundled transmission system operators in Member States which apply paragraph 1.	able to directly or indirectly take control over or exercise any right over unbundled transmission system operators in Member States which apply paragraph 1.	
Section 2				
684	Section 2 independent system operators	Section 2 independent system operators	Section 2 -independent system operators	
Article 55				
685	Article 55 Independent system operators	Article 55 Independent system operators	Article 55 Independent system operators	
Article 55(1), first subparagraph				
686	1. Where on 3 September 2009 the transmission system belonged to a vertically integrated undertaking, a Member State may decide not to apply Article 56 (1) and to designate an independent system operator upon a proposal from the transmission system owner.	1. Where on 3 September 2009 the transmission system belonged to a vertically integrated undertaking, a Member State may decide not to apply Article 56 (1) and to designate an independent system operator upon a proposal from the transmission system owner.	1. Where on 3 September 2009 the transmission system belonged to a vertically integrated undertaking, a Member State may decide not to apply Article ~~56 (1)~~ **54(1)** and to designate an independent system operator upon a proposal from the transmission system owner.	
Article 55(1), second subparagraph				
687				

PUBLIC

	As regards the part of the transmission system connecting a Member State with a third country between the border of that Member State and the first connection point with that Member State's network, where on 23 May 2019 the transmission system belonged to a vertically integrated undertaking, that Member State may decide not to apply Article 59(1) and to designate an independent system operator upon a proposal from the transmission system owner.	As regards the part of the transmission system connecting a Member State with a third country between the border of that Member State and the first connection point with that Member State's network, where on 23 May 2019 the transmission system belonged to a vertically integrated undertaking, that Member State may decide not to apply Article 59(1) and to designate an independent system operator upon a proposal from the transmission system owner.	As regards the part of the transmission system connecting a Member State with a third country between the border of that Member State and the first connection point with that Member State's network, where on 23 May 2019 the transmission system belonged to a vertically integrated undertaking, that Member State may decide not to apply Article ~~59(1)~~**54(1)** and to designate an independent system operator upon a proposal from the transmission system owner.	
Article 55(1), third subparagraph				
688	The designation of an independent system operator shall be subject to approval by the Commission.	The designation of an independent system operator shall be subject to approval by the Commission.	The designation of an independent system operator shall be subject to approval by the Commission.	
Article 55(2)				
689	2. The Member State may approve and designate an independent system operator only where:	2. The Member State may approve and designate an independent system operator only where:	2. The Member State may approve and designate an independent system operator only where:	
Article 55(2), point (a)				
690				

	(a) the candidate operator has demonstrated that it complies with the requirements of Article 54 (1), points (b), (c) and (d);	(a) the candidate operator has demonstrated that it complies with the requirements of Article 54 (1), points (b), (c) and (d);	(a) the candidate operator has demonstrated that it complies with the requirements of Article 54 (1), points (b), (c) and (d);	
Article 55(2), point (b)				
691	(b) the candidate operator has demonstrated that it has at its disposal the required financial, technical, physical and human resources to carry out its tasks under Article 35;	(b) the candidate operator has demonstrated that it has at its disposal the required financial, technical, physical and human resources to carry out its tasks under Article 35;	(b) the candidate operator has demonstrated that it has at its disposal the required financial, technical, physical and human resources to carry out its tasks under Article 35;	
Article 55(2), point (c)				
692	(c) the candidate operator has undertaken to comply with a ten-year network development plan monitored by the regulatory authority;	(c) the candidate operator has undertaken to comply with a ten-year network development plan monitored by the regulatory authority;	(c) the candidate operator has undertaken to comply with a ten-year network development plan monitored by the regulatory authority;	
Article 55(2), point (d)				
693	(d) the transmission system owner has demonstrated its ability to comply with its obligations under paragraph 5., to which end, it shall provide all the draft contractual arrangements with the candidate undertaking and any other relevant entity;	(d) the transmission system owner has demonstrated its ability to comply with its obligations under paragraph 5., to which end, it shall provide all the draft contractual arrangements with the candidate undertaking and any other relevant entity;	(d) the transmission system owner has demonstrated its ability to comply with its obligations under paragraph 5~~.~~, to which end, it shall provide all the draft contractual arrangements with the candidate undertaking and any other relevant entity;	

PUBLIC

Article 55(2), point (e)				
694	(e) the candidate operator has demonstrated its ability to comply with its obligations under [recast Gas regulation as proposed in COM(2021) xxx] including the cooperation of transmission system operators at European and regional level.	(e) the candidate operator has demonstrated its ability to comply with its obligations under [recast Gas regulation as proposed in COM(2021) xxx] including the cooperation of transmission system operators at European and regional level.	(e) the candidate operator has demonstrated its ability to comply with its obligations under [recast Gas regulation as proposed in COM(2021) ~~xxx~~ **804**] including the cooperation of transmission system operators at European and regional level.	
Article 55(3)				
695	3. Undertakings which have been certified by the regulatory authority as having complied with the requirements of Article 66 and of paragraph 2 of this Article shall be approved and designated as independent system operators by Member States. The certification procedure in either Article 65 of this Directive and Article 3 of Regulation (EC) No 715/2009 or in Article 66 of this Directive shall be applicable.	3. Undertakings which have been certified by the regulatory authority as having complied with the requirements of Article 66 and of paragraph 2 of this Article shall be approved and designated as independent system operators by Member States. The certification procedure in either Article 65 of this Directive and Article 3 of Regulation (EC) No 715/2009 or in Article 66 of this Directive shall be applicable.	3. Undertakings which have been certified by the regulatory authority as having complied with the requirements of Article 66 and of paragraph 2 of this Article shall be approved and designated as independent system operators by Member States. The certification procedure in either Article 65 of this Directive and Article 3 of Regulation (EC) No 715/2009 or in Article 66 of this Directive shall be applicable.	
Article 55(4)				
696	4. Each independent system operator shall be responsible for	4. Each independent system operator shall be responsible for	4. Each independent system operator shall be responsible for	

PUBLIC

	granting and managing third-party access, including the collection of access charges and congestion charges, for operating, maintaining and developing the transmission system, as well as for ensuring the long-term ability of the system to meet reasonable demand through investment planning. When developing the transmission system the independent system operator shall be responsible for planning (including the authorisation procedure), construction and commissioning of the new infrastructure. For this purpose, the independent system operator shall act as a transmission system operator in accordance with this Chapter. The transmission system owner shall not be responsible for granting and managing third-party access, nor for investment planning.	granting and managing third-party access, including the collection of access charges and congestion charges, for operating, maintaining and developing the transmission system, as well as for ensuring the long-term ability of the system to meet reasonable demand through investment planning. When developing the transmission system the independent system operator shall be responsible for planning (including the authorisation procedure), construction and commissioning of the new infrastructure. For this purpose, the independent system operator shall act as a transmission system operator in accordance with this Chapter. The transmission system owner shall not be responsible for granting and managing third-party access, nor for investment planning.	granting and managing third-party access, including the collection of access charges and congestion charges, for operating, maintaining and developing the transmission system, as well as for ensuring the long-term ability of the system to meet reasonable demand through investment planning. When developing the transmission system the independent system operator shall be responsible for planning (including the authorisation procedure), construction and commissioning of the new infrastructure. For this purpose, the independent system operator shall act as a transmission system operator in accordance with this Chapter. The transmission system owner shall not be responsible for granting and managing third-party access, nor for investment planning.	
Article 55(5)				
697	5. Where an independent system operator has been designated, the transmission system owner shall:	5. Where an independent system operator has been designated, the transmission system owner shall:	5. Where an independent system operator has been designated, the transmission system owner shall:	
Article 55(5), point (a)				
698				

	(a) provide all the relevant cooperation and support to the independent system operator for the fulfilment of its tasks, including in particular all relevant information;	(a) provide all the relevant cooperation and support to the independent system operator for the fulfilment of its tasks, including in particular all relevant information;	(a) provide all the relevant cooperation and support to the independent system operator for the fulfilment of its tasks, including in particular all relevant information;	
Article 55(5), point (b)				
699	(b) finance the investments decided by the independent system operator and approved by the regulatory authority, or give its agreement to financing by any interested party including the independent system operator; the. The relevant financing arrangements shall be subject to approval by the regulatory authority; prior. Prior to such approval, the regulatory authority shall consult the transmission system owner together with other interested parties;	(b) finance the investments decided by the independent system operator and approved by the regulatory authority, or give its agreement to financing by any interested party including the independent system operator; the. The relevant financing arrangements shall be subject to approval by the regulatory authority; prior. Prior to such approval, the regulatory authority shall consult the transmission system owner together with other interested parties;	(b) finance the investments decided by the independent system operator and approved by the regulatory authority, or give its agreement to financing by any interested party including the independent system operator; the. The relevant financing arrangements shall be subject to approval by the regulatory authority; prior. Prior to such approval, the regulatory authority shall consult the transmission system owner together with other interested parties;	
Article 55(5), point (c)				
700	(c) provide for the coverage of liability relating to the network assets, excluding the liability relating to the tasks of the independent system operator;	(c) provide for the coverage of liability relating to the network assets, excluding the liability relating to the tasks of the independent system operator;	(c) provide for the coverage of liability relating to the network assets, excluding the liability relating to the tasks of the independent system operator;	

PUBLIC

Article 55(5), point (d)				
701	(d) provide guarantees to facilitate financing any network expansions with the exception of those investments where, pursuant to point (b), it has given its agreement to financing by any interested party including the independent system operator.	(d) provide guarantees to facilitate financing any network expansions with the exception of those investments where, pursuant to point (b), it has given its agreement to financing by any interested party including the independent system operator.	(d) provide guarantees to facilitate financing any network expansions with the exception of those investments where, pursuant to point (b), it has given its agreement to financing by any interested party including the independent system operator.	
Article 55(6)				
702	6. In close cooperation with the regulatory authority, the relevant national competition authority shall be granted all relevant powers to effectively monitor compliance of the transmission system owner with its obligations under paragraph 5.	6. In close cooperation with the regulatory authority, the relevant national competition authority shall be granted all relevant powers to effectively monitor compliance of the transmission system owner with its obligations under paragraph 5.	6. In close cooperation with the regulatory authority, the relevant national competition authority shall be granted all relevant powers to effectively monitor compliance of the transmission system owner with its obligations under paragraph 5.	
Article 56				
703	Article 56 Unbundling of transmission system owners, storage system and hydrogen storage operators	Article 56 Unbundling of transmission system owners, storage system and hydrogen storage operators	Article 56 Unbundling of transmission system owners, **hydrogen network owners** storage system and hydrogen storage operators	
Article 56, first paragraph				
704				

PUBLIC

	Transmission system and hydrogen network owners, where an independent system operator or an independent hydrogen network operator has been appointed, and storage system operators or hydrogen storage facility operators which are part of vertically integrated undertakings shall be independent at least in terms of their legal form, organisation and decision making from other activities not relating to transmission, distribution, transport and storage of gases.	Transmission system and hydrogen network owners, where an independent system operator or an independent hydrogen network operator has been appointed, and storage system operators or hydrogen storage facility operators which are part of vertically integrated undertakings shall be independent at least in terms of their legal form, organisation and decision making from other activities not relating to transmission, distribution, transport and storage ***of gas***.	**A** transmission system and hydrogen network owners, where an independent system operator or an independent hydrogen network operator has been appointed, and storage system operators or hydrogen storage facility operators which are part of vertically integrated undertakings shall be independent at least in terms of their legal form, organisation and decision making from other activities not relating to transmission, distribution, transport and storage of gases.	
Article 56, second paragraph				
705	This Article shall apply only to natural gas storage facilities that are technically and/or economically necessary for providing efficient access to the system for the supply of customers pursuant to Article 29.	This Article shall apply only to natural gas storage facilities that are technically and/or economically necessary for providing efficient access to the system for the supply of customers pursuant to Article 29.	This Article shall apply only to natural gas storage facilities that are technically and/or economically necessary for providing efficient access to the system for the supply of customers pursuant to Article 29.	
Article 56, third paragraph				
706	In order to ensure the independence of the transmission system or hydrogen network owner and storage system or hydrogen storage operator referred	In order to ensure the independence of the transmission system or hydrogen network owner and storage system or hydrogen storage operator referred	In order to ensure the independence of the transmission system or hydrogen network owner and storage system or hydrogen storage operator referred	

	to in the first paragraph, the following minimum criteria shall apply:	to in the first paragraph, the following minimum criteria shall apply:	to in the first ~~paragraph~~**sub-paragraph**, the following minimum criteria shall apply:	
Article 56, third paragraph, point (a)				
707	(a) persons responsible for the management of the transmission system or hydrogen network owner and storage system or hydrogen storage operator shall not participate in company structures of the integrated natural gas undertaking responsible, directly or indirectly, for the day-to-day operation of the production and supply of gases;	(a) persons responsible for the management of the transmission system or hydrogen network owner and storage system or hydrogen storage operator shall not participate in company structures of the integrated natural gas undertaking responsible, directly or indirectly, for the day-to-day operation of the production and supply of ***gas***;	(a) persons responsible for the management of the transmission system or hydrogen network owner and storage system or hydrogen storage operator shall not participate in company structures of the integrated natural gas undertaking responsible, directly or indirectly, for the day-to-day operation of the production and supply of gases;	
Article 56, third paragraph, point (b)				
708	(b) appropriate measures shall be taken to ensure that the professional interests of persons responsible for the management of the transmission system or hydrogen network owner and storage system or hydrogen storage operator are taken into account in a manner that ensures that they are capable of acting independently;	(b) appropriate measures shall be taken to ensure that the professional interests of persons responsible for the management of the transmission system or hydrogen network owner and storage system or hydrogen storage operator are taken into account in a manner that ensures that they are capable of acting independently;	(b) appropriate measures shall be taken to ensure that the professional interests of persons responsible for the management of the transmission system or hydrogen network owner and storage system or hydrogen storage operator are taken into account in a manner that ensures that they are capable of acting independently;	
Article 56, third paragraph, point (c)				

PUBLIC

709	(c) the storage system or hydrogen storage operator shall have effective decision-making rights, independent from the integrated natural gas undertaking, with respect to assets necessary to operate, maintain or develop the storage facilities; this shall not preclude the existence of appropriate coordination mechanisms to ensure that the economic and management supervision rights of the parent company in respect of return on assets regulated indirectly in accordance with Article 72(7) in a subsidiary are protected; it shall enable in particular the parent company to approve the annual financial plan, or any equivalent instrument, of the storage system or hydrogen storage operator and to set global limits on the levels of indebtedness of its subsidiary; it shall not permit the parent company to give instructions regarding day-to-day operations, nor with respect to individual decisions concerning the construction or upgrading of storage facilities, that do not exceed the terms of the approved financial plan, or any equivalent instrument;	(c) the storage system or hydrogen storage operator shall have effective decision-making rights, independent from the integrated natural gas undertaking, with respect to assets necessary to operate, maintain or develop the storage facilities; this shall not preclude the existence of appropriate coordination mechanisms to ensure that the economic and management supervision rights of the parent company in respect of return on assets regulated indirectly in accordance with Article 72(7) in a subsidiary are protected; it shall enable in particular the parent company to approve the annual financial plan, or any equivalent instrument, of the storage system or hydrogen storage operator and to set global limits on the levels of indebtedness of its subsidiary; it shall not permit the parent company to give instructions regarding day-to-day operations, nor with respect to individual decisions concerning the construction or upgrading of storage facilities, that do not exceed the terms of the approved financial plan, or any equivalent instrument;	(c) the storage system or hydrogen storage operator shall have effective decision-making rights, independent from the integrated natural gas undertaking, with respect to assets necessary to operate, maintain or develop the storage facilities; this shall not preclude the existence of appropriate coordination mechanisms to ensure that the economic and management supervision rights of the parent company in respect of return on assets regulated indirectly in accordance with Article 72(7) in a subsidiary are protected ; it shall enable in particular the parent company to approve the annual financial plan, or any equivalent instrument, of the storage system or hydrogen storage operator and to set global limits on the levels of indebtedness of its subsidiary; it shall not permit the parent company to give instructions regarding day-to-day operations, nor with respect to individual decisions concerning the construction or upgrading of storage facilities, that do not exceed the terms of the approved financial plan, or any equivalent instrument;	

Article 56, third paragraph, point (d)				
710	(d) the transmission system or hydrogen network owner and the storage system or hydrogen storage operator shall establish a compliance programme, which shall set out measures taken to ensure that discriminatory conduct is excluded, and ensure that observance of it is adequately monitored; it shall also set out the specific obligations of employees to meet those objectives; an annual report, setting out the measures taken, shall be submitted by the person or body responsible for monitoring the compliance programme to the regulatory authority and shall be published.	(d) the transmission system or hydrogen network owner and the storage system or hydrogen storage operator shall establish a compliance programme, which shall set out measures taken to ensure that discriminatory conduct is excluded, and ensure that observance of it is adequately monitored; it shall also set out the specific obligations of employees to meet those objectives; an annual report, setting out the measures taken, shall be submitted by the person or body responsible for monitoring the compliance programme to the regulatory authority and shall be published.	(d) the transmission system or hydrogen network owner and the storage system or hydrogen storage operator shall establish a compliance programme, which shall set out measures taken to ensure that discriminatory conduct is excluded, and ensure that observance of it is adequately monitored; it shall also set out the specific obligations of employees to meet those objectives; an annual report, setting out the measures taken, shall be submitted by the person or body responsible for monitoring the compliance programme to the regulatory authority and shall be published.	
Article 56, fourth paragraph				
711	The Commission is empowered to adopt delegated acts in accordance with Article 83 supplementing this Directive in order to set guidelines to ensure full and effective compliance of the transmission system or hydrogen network owner and of the storage system or	The Commission is empowered to adopt delegated acts in accordance with Article 83 supplementing this Directive in order to set guidelines to ensure full and effective compliance of the transmission system or hydrogen network owner and of the storage system or	The Commission is empowered to adopt delegated acts in accordance with Article 83 ~~supplementing~~**supplement** this Directive in order to set guidelines to ensure full and effective compliance of the transmission system or hydrogen network owner and of the storage system or	

PUBLIC

	hydrogen storage operator with paragraph 2 of this Article.	hydrogen storage operator with paragraph 2 of this Article.	hydrogen storage operator with paragraph 2 of this Article.	
Section 3				
712	Section 3 independent transmission operators	Section 3 independent transmission operators	Section 3 -independent transmission operators	
Article 57				
713	Article 57 Assets, equipment, staff and identity	Article 57 Assets, equipment, staff and identity	Article 57 Assets, equipment, staff and identity	
Article 57(1)				
714	1. Transmission system operators shall be equipped with all human, technical, physical and financial resources necessary for fulfilling their obligations under this Directive and carrying out the activity of gas transmission, in particular:	1. Transmission system operators shall be equipped with all human, technical, physical and financial resources necessary for fulfilling their obligations under this Directive and carrying out the activity of gas transmission, in particular:	1. Transmission system operators shall be equipped with all human, technical, physical and financial resources necessary for fulfilling their obligations under this Directive and carrying out the activity of gas transmission, in particular:	
Article 57(1), point (a)				
715	(a) assets that are necessary for the activity of gas transmission, including the transmission system,	(a) assets that are necessary for the activity of gas transmission, including the transmission system,	(a) assets that are necessary for the activity of gas transmission, including the transmission system,	

PUBLIC

	shall be owned by the transmission system operator;	shall be owned by the transmission system operator;	shall be owned by the transmission system operator;	
Article 57(1), point (b)				
716	(b) personnel necessary for the activity of gas transmission, including the performance of all corporate tasks, shall be employed by the transmission system operator;	(b) personnel necessary for the activity of gas transmission, including the performance of all corporate tasks, shall be employed by the transmission system operator;	(b) personnel necessary for the activity of gas transmission, including the performance of all corporate tasks, shall be employed by the transmission system operator;	
Article 57(1), point (c)				
717	(c) leasing of personnel and rendering of services, to and from any other parts of the vertically integrated undertaking shall be prohibited. A transmission system operator may, however, render services to the vertically integrated undertaking as long as:	(c) leasing of personnel and rendering of services, to and from any other parts of the vertically integrated undertaking shall be prohibited. A transmission system operator may, however, render services to the vertically integrated undertaking as long as:	(c) leasing of personnel and rendering of services, to and from any other parts of the vertically integrated undertaking shall be prohibited. A transmission system operator may, however, render services to the vertically integrated undertaking as long as:	
Article 57(1), point (c)(i)				
718	(i) the provision of those services does not discriminate between system users, is available to all system users on the same terms and conditions and does not restrict, distort or prevent	(i) the provision of those services does not discriminate between system users, is available to all system users on the same terms and conditions and does not restrict, distort or prevent	(i) the provision of those services does not discriminate between system users, is available to all system users on the same terms and conditions and does not restrict, distort or prevent	

PUBLIC

	competition in production or supply;	competition in production or supply;	competition in production or supply;	
Article 57(1), point (c)(ii)				
719	(ii) the terms and conditions of the provision of those services are approved by the regulatory authority;	(ii) the terms and conditions of the provision of those services are approved by the regulatory authority;	(ii) the terms and conditions of the provision of those services are approved by the regulatory authority;	
Article 57(1), point (d)				
720	(d) without prejudice to the decisions of the Supervisory Body under Article 60, appropriate financial resources for future investment projects or for the replacement of existing assets shall be made available to the transmission system operator in due time by the vertically integrated undertaking following an appropriate request from the transmission system operator.	(d) without prejudice to the decisions of the Supervisory Body under Article 60, appropriate financial resources for future investment projects or for the replacement of existing assets shall be made available to the transmission system operator in due time by the vertically integrated undertaking following an appropriate request from the transmission system operator.	(d) without prejudice to the decisions of the Supervisory Body under Article 60, appropriate financial resources for future investment projects or for the replacement of existing assets shall be made available to the transmission system operator in due time by the vertically integrated undertaking following an appropriate request from the transmission system operator.	
Article 57(2)				
721	2. The activity of gas transmission shall include at least the following tasks in addition to those listed in Article 35:	2. The activity of gas transmission shall include at least the following tasks in addition to those listed in Article 35:	2. The activity of gas transmission shall include at least the following tasks in addition to those listed in Article 35:	

PUBLIC

Article 57(2), point (a)				
722	(a) the representation of the transmission system operator and contacts to third parties and the regulatory authorities;	(a) the representation of the transmission system operator and contacts to third parties and the regulatory authorities;	(a) the representation of the transmission system operator and contacts to third parties and the regulatory authorities;	
Article 57(2), point (b)				
723	(b) the representation of the transmission system operator within the European Network of Transmission System Operators for Gas (ENTSO for Gas);	(b) the representation of the transmission system operator within the European Network of Transmission System Operators for Gas (ENTSO for Gas);	(b) the representation of the transmission system operator within the European Network of Transmission System Operators for Gas (ENTSO for Gas);	
Article 57(2), point (c)				
724	(c) granting and managing third-party access on a non-discriminatory basis between system users or classes of system users;	(c) granting and managing third-party access on a non-discriminatory basis between system users or classes of system users;	(c) granting and managing third-party access on a non-discriminatory basis between system users or classes of system users;	
Article 57(2), point (d)				
725	(d) the collection of all the transmission system related charges including access charges, balancing charges for ancillary services such as gas treatment, purchasing of services (balancing costs, energy for losses);	(d) the collection of all the transmission system related charges including access charges, balancing charges for ancillary services such as gas treatment, purchasing of services (balancing costs, energy for losses);	(d) the collection of all the transmission system related charges including access charges, balancing charges for ancillary services such as gas treatment, purchasing of services (balancing costs, energy for losses);	

PUBLIC

Article 57(2), point (e)				
726	(e) the operation, maintenance and development of a secure, efficient and economic transmission system;	(e) the operation, maintenance and development of a secure, efficient and economic transmission system;	(e) the operation, maintenance and development of a secure, efficient and economic transmission system;	
Article 57(2), point (f)				
727	(f) investment planning ensuring the long-term ability of the system to meet reasonable demand and guaranteeing security of supply;	(f) investment planning ensuring the long-term ability of the system to meet reasonable demand and guaranteeing security of supply;	(f) investment planning ensuring the long-term ability of the system to meet reasonable demand and guaranteeing security of supply;	
Article 57(2), point (g)				
728	(g) the setting up of appropriate joint ventures, including with one or more transmission system operators, gas exchanges, and the other relevant actors pursuing the objective to develop the creation of regional markets or to facilitate the liberalisation process;	(g) the setting up of appropriate joint ventures, including with one or more transmission system operators, gas exchanges, and the other relevant actors pursuing the objective to develop the creation of regional markets or to facilitate the liberalisation process;	(g) the setting up of appropriate joint ventures, including with one or more transmission system operators, gas exchanges, and the other relevant actors pursuing the objective to develop the creation of regional markets or to facilitate the liberalisation process;	
Article 57(2), point (h)				
729	(h) all corporate services, including legal services, accountancy and IT services.	(h) all corporate services, including legal services, accountancy and IT services.	(h) all corporate services, including legal services, accountancy and IT services.	

PUBLIC

Article 57(3)				
730	3. Transmission system operators shall be organised in a legal form as referred to in Annex II to Directive (EU) 2017/1132 of the European Parliament and of the Council[1] _____ 1. THIS FOOTNOTE IS MISSING. THANK YOU FOR USING ANOTHER LANGUAGE.	3. Transmission system operators shall be organised in a legal form as referred to in Annex II to Directive (EU) 2017/1132 of the European Parliament and of the Council[1] _____ 1. THIS FOOTNOTE IS MISSING. THANK YOU FOR USING ANOTHER LANGUAGE.	3. Transmission system operators shall be organised in a legal form as referred to in- Annex II to Directive (EU) 2017/1132 of the European Parliament and of the Council[1]**.** _____ 1. ~~THIS FOOTNOTE IS MISSING. THANK YOU FOR USING ANOTHER LANGUAGE~~**Directive 2009/101/EC of the European Parliament and of the Council of 16 September 2009 on coordination of safeguards which, for the protection of the interests of members and third parties, are required by Member States of companies within the meaning of the second paragraph of Article 48 of the Treaty, with a view to making such safeguards equivalent (OJ L 258, 1.10.2009, p. 11)**.	
Article 57(4)				
731	4. The transmission system operator shall not, in its corporate identity, communication, branding and premises, create confusion in respect of the separate identity of the vertically integrated undertaking or any part thereof.	4. The transmission system operator shall not, in its corporate identity, communication, branding and premises, create confusion in respect of the separate identity of the vertically integrated undertaking or any part thereof.	4. The transmission system operator shall not, in its corporate identity, communication, branding and premises, create confusion in respect of the separate identity of the vertically integrated undertaking or any part thereof.	
Article 57(5)				

PUBLIC

732	5. The transmission system operator shall not share IT systems or equipment, physical premises and security access systems with any part of the vertically integrated undertaking, nor use the same consultants or external contractors for IT systems or equipment, and security access systems.	5. The transmission system operator shall not share IT systems or equipment, physical premises and security access systems with any part of the vertically integrated undertaking, nor use the same consultants or external contractors for IT systems or equipment, and security access systems.	5. The transmission system operator shall not share IT systems or equipment, physical premises and security access systems with any part of the vertically integrated undertaking, nor use the same consultants or external contractors for IT systems or equipment, and security access systems.	
Article 57(6)				
733	6. The accounts of transmission system operators shall be audited by an auditor other than the one auditing the vertically integrated undertaking or any part thereof.	6. The accounts of transmission system operators shall be audited by an auditor other than the one auditing the vertically integrated undertaking or any part thereof.	6. The accounts of transmission system operators shall be audited by an auditor other than the one auditing the vertically integrated undertaking or any part thereof.	
Article 58				
734	Article 58 Independence of the transmission system operator	Article 58 Independence of the transmission system operator	Article 58 Independence of the transmission system operator	
Article 58(1)				
735	1. Without prejudice to the decisions of the Supervisory Body under Article 60, the transmission system operator shall have:	1. Without prejudice to the decisions of the Supervisory Body under Article 60, the transmission system operator shall have:	1. Without prejudice to the decisions of the Supervisory Body under Article 60, the transmission system operator shall have:	

Article 58(1), point (a)				
736	(a) effective decision-making rights, independent from the vertically integrated undertaking, with respect to assets necessary to operate, maintain or develop the transmission system;	(a) effective decision-making rights, independent from the vertically integrated undertaking, with respect to assets necessary to operate, maintain or develop the transmission system;	(a) effective decision-making rights, independent from the vertically integrated undertaking, with respect to assets necessary to operate, maintain or develop the transmission system;	
Article 58(1), point (b)				
737	(b) the power to raise money on the capital market in particular through borrowing and capital increase.	(b) the power to raise money on the capital market in particular through borrowing and capital increase.	(b) the power to raise money on the capital market in particular through borrowing and capital increase.	
Article 58(2)				
738	2. The transmission system operator shall at all times act so as to ensure it has the resources it needs in order to carry out the activity of transmission properly and efficiently and develop and maintain an efficient, secure and economic transmission system.	2. The transmission system operator shall at all times act so as to ensure it has the resources it needs in order to carry out the activity of transmission properly and efficiently and develop and maintain an efficient, secure and economic transmission system.	2. The transmission system operator shall at all times act so as to ensure it has the resources it needs in order to carry out the activity of transmission properly and efficiently and develop and maintain an efficient, secure and economic transmission system.	
Article 58(3)				
739				

PUBLIC

	3. Subsidiaries of the vertically integrated undertaking performing functions of production or supply shall not have any direct or indirect shareholding in the transmission system operator. The transmission system operator shall neither have any direct or indirect shareholding in any subsidiary of the vertically integrated undertaking performing functions of production or supply, nor receive dividends or any other financial benefit from that subsidiary.	3. Subsidiaries of the vertically integrated undertaking performing functions of production or supply shall not have any direct or indirect shareholding in the transmission system operator. The transmission system operator shall neither have any direct or indirect shareholding in any subsidiary of the vertically integrated undertaking performing functions of production or supply, nor receive dividends or any other financial benefit from that subsidiary.	3. Subsidiaries of the vertically integrated undertaking performing functions of production or supply shall not have any direct or indirect shareholding in the transmission system operator. The transmission system operator shall neither have any direct or indirect shareholding in any subsidiary of the vertically integrated undertaking performing functions of production or supply, nor receive dividends or any other financial benefit from that subsidiary.	
Article 58(4)				
740	4. The overall management structure and the corporate statutes of the transmission system operator shall ensure effective independence of the transmission system operator in compliance with this Chapter. The vertically integrated undertaking shall not determine, directly or indirectly, the competitive behaviour of the transmission system operator in relation to the day to day activities of the transmission system operator and management of the network, or in relation to activities necessary for the preparation of	4. The overall management structure and the corporate statutes of the transmission system operator shall ensure effective independence of the transmission system operator in compliance with this Chapter. The vertically integrated undertaking shall not determine, directly or indirectly, the competitive behaviour of the transmission system operator in relation to the day to day activities of the transmission system operator and management of the network, or in relation to activities necessary for the preparation of	4. The overall management structure and the corporate statutes of the transmission system operator shall ensure effective independence of the transmission system operator in compliance with this Chapter. The vertically integrated undertaking shall not determine, directly or indirectly, the competitive behaviour of the transmission system operator in relation to the day to day activities of the transmission system operator and management of the network, or in relation to activities necessary for the preparation of	

	the ten-year network development plan developed pursuant to Article 51.	the ten-year network development plan developed pursuant to Article 51.	the ten-year network development plan developed pursuant to Article 51.	
Article 58(5)				
741	5. In fulfilling their tasks listed in Article 35 and Article 57(2) of this Directive, and in complying with Article 15(1), Article 5(1)(a), Article 9(2), (3) and (5), Article 30(6) and Article 12(1) of [recast Gas Regulation as proposed in COM(2021) xxx], transmission system operators shall not discriminate against different persons or entities and shall not restrict, distort or prevent competition in production or supply.	5. In fulfilling their tasks listed in Article 35 and Article 57(2) of this Directive, and in complying with Article 15(1), Article 5(1)(a), Article 9(2), (3) and (5), Article 30(6) and Article 12(1) of [recast Gas Regulation as proposed in COM(2021) xxx], transmission system operators shall not discriminate against different persons or entities and shall not restrict, distort or prevent competition in production or supply.	5. In fulfilling their tasks listed in Article 35 and Article 57(2) of this Directive, and in complying with Article 15(1), Article 5(1)(a), Article 9(2), (3) and (5), Article 30(6) and Article 12(1) of [recast Gas Regulation as proposed in COM(2021) ~~xxx~~ **804**], transmission system operators shall not discriminate against different persons or entities and shall not restrict, distort or prevent competition in production or supply.	
Article 58(6)				
742	6. Any commercial and financial relations between the vertically integrated undertaking and the transmission system operator, including loans from the transmission system operator to the vertically integrated undertaking, shall comply with market conditions. The transmission system operator shall	6. Any commercial and financial relations between the vertically integrated undertaking and the transmission system operator, including loans from the transmission system operator to the vertically integrated undertaking, shall comply with market conditions. The transmission system operator shall	6. Any commercial and financial relations between the vertically integrated undertaking and the transmission system operator, including loans from the transmission system operator to the vertically integrated undertaking, shall comply with market conditions. The transmission system operator shall	

PUBLIC

	keep detailed records of such commercial and financial relations and make them available to the regulatory authority upon request.	keep detailed records of such commercial and financial relations and make them available to the regulatory authority upon request.	keep detailed records of such commercial and financial relations and make them available to the regulatory authority upon request.	
Article 58(7)				
743	7. The transmission system operator shall submit for approval by the regulatory authority all commercial and financial agreements with the vertically integrated undertaking.	7. The transmission system operator shall submit for approval by the regulatory authority all commercial and financial agreements with the vertically integrated undertaking.	7. The transmission system operator shall submit for approval by the regulatory authority all commercial and financial agreements with the vertically integrated undertaking.	
Article 58(8)				
744	8. The transmission system operator shall inform the regulatory authority of the financial resources, referred to in Article 57(1), point (d), available for future investment projects or for the replacement of existing assets.	8. The transmission system operator shall inform the regulatory authority of the financial resources, referred to in Article 57(1), point (d), available for future investment projects or for the replacement of existing assets.	8. The transmission system operator shall inform the regulatory authority of the financial resources, referred to in Article 57(1), point (d), available for future investment projects or for the replacement of existing assets.	
Article 58(9)				
745	9. The vertically integrated undertaking shall refrain from any action impeding or prejudicing the transmission system operator from complying with its obligations in	9. The vertically integrated undertaking shall refrain from any action impeding or prejudicing the transmission system operator from complying with its obligations in	9. The vertically integrated undertaking shall refrain from any action impeding or prejudicing the transmission system operator from complying with its obligations in	

PUBLIC

	this Chapter and shall not require the transmission system operator to seek permission from the vertically integrated undertaking in fulfilling those obligations.	this Chapter and shall not require the transmission system operator to seek permission from the vertically integrated undertaking in fulfilling those obligations.	this Chapter and shall not require the transmission system operator to seek permission from the vertically integrated undertaking in fulfilling those obligations.	
Article 58(10)				
746	10. An undertaking which has been certified by the regulatory authority as being in compliance with the requirements of this Chapter shall be approved and designated as a transmission system operator by the Member State concerned. The certification procedure in either Article 65 of this Directive and Article 13 of Regulation (EC) No 715/2009 or in Article 66 of this Directive shall apply.	10. An undertaking which has been certified by the regulatory authority as being in compliance with the requirements of this Chapter shall be approved and designated as a transmission system operator by the Member State concerned. The certification procedure in either Article 65 of this Directive and Article 13 of Regulation (EC) No 715/2009 or in Article 66 of this Directive shall apply.	10. An undertaking which has been certified by the regulatory authority as being in compliance with the requirements of this Chapter shall be approved and designated as a transmission system operator by the Member State concerned. The certification procedure in either Article 65 of this Directive and Article 13 of **[recast Gas** Regulation **proposed in COM X/Y]** ~~(EC) No 715/2009~~ or in Article 66 of this Directive shall apply.	
Article 58(11)				
747	11. The transmission system operator shall make public detailed information regarding the quality of the gases transported in its networks, based on Articles 16 and 17 of Regulation (EU) 2015/703	11. The transmission system operator shall make public detailed information regarding the quality of the ***gas*** transported in its networks, based on Articles 16 and 17 of Regulation (EU) 2015/703**.**	11. The transmission system operator shall make public detailed information regarding the quality of the gases transported in its networks, based on Articles 16 and 17 of Regulation (EU) 2015/703**.**	
Article 59				

PUBLIC

748	Article 59 Independence of the staff and the management of the transmission system operator	Article 59 Independence of the staff and the management of the transmission system operator	Article 59 Independence of the staff and the management of the transmission system operator	
Article 59(1)				
749	1. Decisions regarding the appointment and renewal, working conditions including remuneration, and termination of the term of office, of the persons responsible for the management or members of the administrative bodies of the transmission system operator shall be taken by the Supervisory Body of the transmission system operator appointed in accordance with Article 60.	1. Decisions regarding the appointment and renewal, working conditions including remuneration, and termination of the term of office, of the persons responsible for the management or members of the administrative bodies of the transmission system operator shall be taken by the Supervisory Body of the transmission system operator appointed in accordance with Article 60.	1. Decisions regarding the appointment and renewal, working conditions including remuneration, and termination of the term of office, of the persons responsible for the management or members of the administrative bodies of the transmission system operator shall be taken by the Supervisory Body of the transmission system operator appointed in accordance with Article 60.	
Article 59(2), first subparagraph				
750	2. The identity of, and the conditions governing the term, the duration and the termination of office of, the persons nominated by the Supervisory Body for appointment or renewal as persons responsible for the executive management and/or as members of the administrative bodies of the transmission system operator, and	2. The identity of, and the conditions governing the term, the duration and the termination of office of, the persons nominated by the Supervisory Body for appointment or renewal as persons responsible for the executive management and/or as members of the administrative bodies of the transmission system operator, and	2. The identity of, and the conditions governing the term, the duration and the termination of office of, the persons nominated by the Supervisory Body for appointment or renewal as persons responsible for the executive management and/or as members of the administrative bodies of the transmission system operator, and	

PUBLIC

	the reasons for any proposed decision terminating such term of office, shall be notified to the regulatory authority. Those conditions and the decisions referred to in paragraph 1 shall become binding only if the regulatory authority has raised no objections within three weeks of the notification.	the reasons for any proposed decision terminating such term of office, shall be notified to the regulatory authority. Those conditions and the decisions referred to in paragraph 1 shall become binding only if the regulatory authority has raised no objections within three weeks of the notification.	the reasons for any proposed decision terminating such term of office, shall be notified to the regulatory authority. Those conditions and the decisions referred to in paragraph 1 shall become binding only if the regulatory authority has raised no objections within three weeks of the notification.	
Article 59(2), second subparagraph				
751	The regulatory authority may object to the decisions referred to in paragraph 1 where:	The regulatory authority may object to the decisions referred to in paragraph 1 where:	The regulatory authority may object to the decisions referred to in paragraph 1 where:	
Article 59(2), second subparagraph, point (a)				
752	(a) doubts arise as to the professional independence of a nominated person responsible for the management and/or member of the administrative bodies; or	(a) doubts arise as to the professional independence of a nominated person responsible for the management and/or member of the administrative bodies; or	(a) doubts arise as to the professional independence of a nominated person responsible for the management and/or member of the administrative bodies; or	
Article 59(2), second subparagraph, point (b)				
753	(b) in the case of premature termination of a term of office, doubts exist regarding the justification of such premature termination.	(b) in the case of premature termination of a term of office, doubts exist regarding the justification of such premature termination.	(b) in the case of premature termination of a term of office, doubts exist regarding the justification of such premature termination.	

Article 59(3)				
754	3. No professional position or responsibility, interest or business relationship, directly or indirectly, with the vertically integrated undertaking or any part of it or its controlling shareholders other than the transmission system operator shall be exercised for a period of three years before the appointment of the persons responsible for the management or members of the administrative bodies of the transmission system operator who are subject to this paragraph.	3. No professional position or responsibility, interest or business relationship, directly or indirectly, with the vertically integrated undertaking or any part of it or its controlling shareholders other than the transmission system operator shall be exercised for a period of three years before the appointment of the persons responsible for the management or members of the administrative bodies of the transmission system operator who are subject to this paragraph.	3. No professional position or responsibility, interest or business relationship, directly or indirectly, with the vertically integrated undertaking or any part of it or its controlling shareholders other than the transmission system operator shall be exercised for a period of three years before the appointment of the persons responsible for the management or members of the administrative bodies of the transmission system operator who are subject to this paragraph.	
Article 59(4)				
755	4. The persons responsible for the management and/or members of the administrative bodies, and employees of the transmission system operator shall have no other professional position or responsibility, interest or business relationship, directly or indirectly, with any other part of the vertically integrated undertaking or with its controlling shareholders.	4. The persons responsible for the management and/or members of the administrative bodies, and employees of the transmission system operator shall have no other professional position or responsibility, interest or business relationship, directly or indirectly, with any other part of the vertically integrated undertaking or with its controlling shareholders.	4. The persons responsible for the management and/or members of the administrative bodies, and employees of the transmission system operator shall have no other professional position or responsibility, interest or business relationship, directly or indirectly, with any other part of the vertically integrated undertaking or with its controlling shareholders.	

PUBLIC

Article 59(5)				
756	5. The persons responsible for the management or members of the administrative bodies, and employees of the transmission system operator shall hold no interest in or receive any financial benefit, directly or indirectly, from any part of the vertically integrated undertaking other than the transmission system operator. Their remuneration shall not depend on activities or results of the vertically integrated undertaking other than those of the transmission system operator.	5. The persons responsible for the management or members of the administrative bodies, and employees of the transmission system operator shall hold no interest in or receive any financial benefit, directly or indirectly, from any part of the vertically integrated undertaking other than the transmission system operator. Their remuneration shall not depend on activities or results of the vertically integrated undertaking other than those of the transmission system operator.	5. The persons responsible for the management or members of the administrative bodies, and employees of the transmission system operator shall hold no interest in or receive any financial benefit, directly or indirectly, from any part of the vertically integrated undertaking other than the transmission system operator. Their remuneration shall not depend on activities or results of the vertically integrated undertaking other than those of the transmission system operator.	
Article 59(6)				
757	6. Effective rights of appeal to the regulatory authority shall be guaranteed for any complaints by the persons responsible for the management or members of the administrative bodies of the transmission system operator against premature terminations of their term of office.	6. Effective rights of appeal to the regulatory authority shall be guaranteed for any complaints by the persons responsible for the management or members of the administrative bodies of the transmission system operator against premature terminations of their term of office.	6. Effective rights of appeal to the regulatory authority shall be guaranteed for any complaints by the persons responsible for the management or members of the administrative bodies of the transmission system operator against premature terminations of their term of office.	
Article 59(7)				
758				

PUBLIC

	7. After termination of their term of office in the transmission system operator, the persons responsible for its management or members of its administrative bodies shall have no professional position or responsibility, interest or business relationship with any part of the vertically integrated undertaking other than the transmission system operator, or with its controlling shareholders for a period of not less than four years.	7. After termination of their term of office in the transmission system operator, the persons responsible for its management or members of its administrative bodies shall have no professional position or responsibility, interest or business relationship with any part of the vertically integrated undertaking other than the transmission system operator, or with its controlling shareholders for a period of not less than four years.	7. After termination of their term of office in the transmission system operator, the persons responsible for its management or members of its administrative bodies shall have no professional position or responsibility, interest or business relationship with any part of the vertically integrated undertaking other than the transmission system operator, or with its controlling shareholders for a period of not less than four years.	
Article 59(8), first subparagraph				
759	8. Paragraph 3 shall apply to the majority of the persons responsible for the management or members of the administrative bodies of the transmission system operator.	8. Paragraph 3 shall apply to the majority of the persons responsible for the management or members of the administrative bodies of the transmission system operator.	8. Paragraph 3 shall apply to the majority of the persons responsible for the management or members of the administrative bodies of the transmission system operator.	
Article 59(8), second subparagraph				
760	The persons responsible for the management or members of the administrative bodies of the transmission system operator who are not subject to paragraph 3 shall have exercised no management or other relevant activity in the vertically integrated undertaking	The persons responsible for the management or members of the administrative bodies of the transmission system operator who are not subject to paragraph 3 shall have exercised no management or other relevant activity in the vertically integrated undertaking	The persons responsible for the management or members of the administrative bodies of the transmission system operator who are not subject to paragraph 3 shall have exercised no management or other relevant activity in the vertically integrated undertaking	

	for a period of at least six months before their appointment.	for a period of at least six months before their appointment.	for a period of at least six months before their appointment.	
Article 59(8), third subparagraph				
761	The first subparagraph of this paragraph and paragraphs 4 to 7 shall be applicable to all the persons belonging to the executive management and to those directly reporting to them on matters related to the operation, maintenance or development of the network.	The first subparagraph of this paragraph and paragraphs 4 to 7 shall be applicable to all the persons belonging to the executive management and to those directly reporting to them on matters related to the operation, maintenance or development of the network.	The first subparagraph of this paragraph and paragraphs 4 to 7 shall be applicable to all the persons belonging to the executive management and to those directly reporting to them on matters related to the operation, maintenance or development of the network.	
Article 60				
762	Article 60 Supervisory Body	Article 60 Supervisory Body	Article 60 Supervisory Body	
Article 60(1)				
763	1. The transmission system operator shall have a Supervisory Body which shall be in charge of taking decisions which may have a significant impact on the value of the assets of the shareholders within the transmission system operator, in particular decisions regarding the approval of the annual and longer-term financial	1. The transmission system operator shall have a Supervisory Body which shall be in charge of taking decisions which may have a significant impact on the value of the assets of the shareholders within the transmission system operator, in particular decisions regarding the approval of the annual and longer-term financial	1. The transmission system operator shall have a Supervisory Body which shall be in charge of taking decisions which may have a significant impact on the value of the assets of the shareholders within the transmission system operator, in particular decisions regarding the approval of the annual and longer-term financial	

PUBLIC

	plans, the level of indebtedness of the transmission system operator and the amount of dividends distributed to shareholders. The decisions falling under the remit of the Supervisory Body shall exclude those that are related to the day to day activities of the transmission system operator and management of the network, and in relation to activities necessary for the preparation of the ten-year network development plan developed pursuant to Article 51.	plans, the level of indebtedness of the transmission system operator and the amount of dividends distributed to shareholders. The decisions falling under the remit of the Supervisory Body shall exclude those that are related to the day to day activities of the transmission system operator and management of the network, and in relation to activities necessary for the preparation of the ten-year network development plan developed pursuant to Article 51.	plans, the level of indebtedness of the transmission system operator and the amount of dividends distributed to shareholders. The decisions falling under the remit of the Supervisory Body shall exclude those that are related to the day to day activities of the transmission system operator and management of the network, and in relation to activities necessary for the preparation of the ten-year network development plan developed pursuant to Article 51.	
Article 60(2)				
764	2. The Supervisory Body shall be composed of members representing the vertically integrated undertaking, members representing third party shareholders and, where the relevant legislation of a Member State so provides, members representing other interested parties such as employees of the transmission system operator.	2. The Supervisory Body shall be composed of members representing the vertically integrated undertaking, members representing third party shareholders and, where the relevant legislation of a Member State so provides, members representing other interested parties such as employees of the transmission system operator.	2. The Supervisory Body shall be composed of members representing the vertically integrated undertaking, members representing third party shareholders and, where the relevant legislation of a Member State so provides, members representing other interested parties such as employees of the transmission system operator.	
Article 60(3), first subparagraph				
765	3. Article 59(2), first subparagraph, and Article 59 (3) to	3. Article 59(2), first subparagraph, and Article 59 (3) to	3. Article 59(2), first subparagraph, and Article 59 (3) to	

	(7) shall apply to at least half of the members of the Supervisory Body minus one.	(7) shall apply to at least half of the members of the Supervisory Body minus one.	(7) shall apply to at least half of the members of the Supervisory Body minus one.	
Article 60(3), second subparagraph				
766	Article 59(2), second subparagraph, point (b), shall apply to all the members of the Supervisory Body.	Article 59(2), second subparagraph, point (b), shall apply to all the members of the Supervisory Body.	Article 59(2), second subparagraph, point (b), shall apply to all the members of the Supervisory Body.	
Article 61				
767	Article 61 Compliance programme and compliance officer	Article 61 Compliance programme and compliance officer	Article 61 Compliance programme and compliance officer	
Article 61(1)				
768	1. Member States shall ensure that transmission system operators establish and implement a compliance programme which sets out the measures taken in order to ensure that discriminatory conduct is excluded, and ensure that the compliance with that programme is adequately monitored. The compliance programme shall set out the specific obligations of employees to meet those objectives. It shall be subject to	1. Member States shall ensure that transmission system operators establish and implement a compliance programme which sets out the measures taken in order to ensure that discriminatory conduct is excluded, and ensure that the compliance with that programme is adequately monitored. The compliance programme shall set out the specific obligations of employees to meet those objectives. It shall be subject to	1. Member States shall ensure that transmission system operators establish and implement a compliance programme which sets out the measures taken in order to ensure that discriminatory conduct is excluded, and ensure that the compliance with that programme is adequately monitored. The compliance programme shall set out the specific obligations of employees to meet those objectives. It shall be subject to	

PUBLIC

	approval by the regulatory authority. Without prejudice to the powers of the national regulator, compliance with the program shall be independently monitored by a compliance officer.	approval by the regulatory authority. Without prejudice to the powers of the national regulator, compliance with the program shall be independently monitored by a compliance officer.	approval by the regulatory authority. Without prejudice to the powers of the national regulator, compliance with the program shall be independently monitored by a compliance officer.	
Article 61(2)				
769	2. The compliance officer shall be appointed by the Supervisory Body, subject to the approval by the regulatory authority. The regulatory authority may refuse the approval of the compliance officer only for reasons of lack of independence or professional capacity. The compliance officer may be a natural or legal person. Article 59(2) to (8) shall apply to the compliance officer.	2. The compliance officer shall be appointed by the Supervisory Body, subject to the approval by the regulatory authority. The regulatory authority may refuse the approval of the compliance officer only for reasons of lack of independence or professional capacity. The compliance officer may be a natural or legal person. Article 59(2) to (8) shall apply to the compliance officer.	2. The compliance officer shall be appointed by the Supervisory Body, subject to the approval by the regulatory authority. The regulatory authority may refuse the approval of the compliance officer only for reasons of lack of independence or professional capacity. The compliance officer may be a natural or legal person. Article 59(2) to (8) shall apply to the compliance officer.	
Article 61(3)				
770	3. The compliance officer shall be in charge of:	3. The compliance officer shall be in charge of:	3. The compliance officer shall be in charge of:	
Article 61(3), point (a)				
771	(a) monitoring the implementation of the compliance programme;	(a) monitoring the implementation of the compliance programme;	(a) monitoring the implementation of the compliance programme;	

PUBLIC

Article 61(3), point (b)				
772	(b) elaborating an annual report, setting out the measures taken in order to implement the compliance programme and submitting it to the regulatory authority;	(b) elaborating an annual report, setting out the measures taken in order to implement the compliance programme and submitting it to the regulatory authority;	(b) elaborating an annual report, setting out the measures taken in order to implement the compliance programme and submitting it to the regulatory authority;	
Article 61(3), point (c)				
773	(c) reporting to the Supervisory Body and issuing recommendations on the compliance programme and its implementation;	(c) reporting to the Supervisory Body and issuing recommendations on the compliance programme and its implementation;	(c) reporting to the Supervisory Body and issuing recommendations on the compliance programme and its implementation;	
Article 61(3), point (d)				
774	(d) notifying the regulatory authority on any substantial breaches with regard to the implementation of the compliance programme;	(d) notifying the regulatory authority on any substantial breaches with regard to the implementation of the compliance programme;	(d) notifying the regulatory authority on any substantial breaches with regard to the implementation of the compliance programme;	
Article 61(3), point (e)				
775	(e) reporting to the regulatory authority on any commercial and financial relations between the vertically integrated undertaking and the transmission system operator.	(e) reporting to the regulatory authority on any commercial and financial relations between the vertically integrated undertaking and the transmission system operator.	(e) reporting to the regulatory authority on any commercial and financial relations between the vertically integrated undertaking and the transmission system operator.	

PUBLIC

Article 61(4)				
776	4. The compliance officer shall submit the proposed decisions on the investment plan or on individual investments in the network to the regulatory authority. This shall occur at the latest when the management or the competent administrative body of the transmission system operator submits them to the Supervisory Body.	4. The compliance officer shall submit the proposed decisions on the investment plan or on individual investments in the network to the regulatory authority. This shall occur at the latest when the management or the competent administrative body of the transmission system operator submits them to the Supervisory Body.	4. The compliance officer shall submit the proposed decisions on the investment plan or on individual investments in the network to the regulatory authority. This shall occur at the latest when the management or the competent administrative body of the transmission system operator submits them to the Supervisory Body.	
Article 61(5)				
777	5. Where the vertically integrated undertaking, in the general assembly or through the vote of the members of the Supervisory Body it has appointed, has prevented the adoption of a decision with the effect of preventing or delaying investments, which under the ten-year network development plan, was to be executed in the following three years, the compliance officer shall report this to the regulatory authority, which then shall act in accordance with Article 51.	5. Where the vertically integrated undertaking, in the general assembly or through the vote of the members of the Supervisory Body it has appointed, has prevented the adoption of a decision with the effect of preventing or delaying investments, which under the ten-year network development plan, was to be executed in the following three years, the compliance officer shall report this to the regulatory authority, which then shall act in accordance with Article 51.	5. Where the vertically integrated undertaking, in the general assembly or through the vote of the members of the Supervisory Body it has appointed, has prevented the adoption of a decision with the effect of preventing or delaying investments, which under the ten-year network development plan, was to be executed in the following three years, the compliance officer shall report this to the regulatory authority, which then shall act in accordance with Article 51.	

PUBLIC

Article 61(6)				
778	6. The conditions governing the mandate or the employment conditions of the compliance officer, including the duration of its mandate, shall be subject to approval by the regulatory authority. Those conditions shall ensure the independence of the compliance officer, including by providing it with all the resources necessary for fulfilling its duties. During its mandate, the compliance officer shall have no other professional position, responsibility or interest, directly or indirectly, in or with any part of the vertically integrated undertaking or with its controlling shareholders.	6. The conditions governing the mandate or the employment conditions of the compliance officer, including the duration of ***its*** mandate, shall be subject to approval by the regulatory authority. Those conditions shall ensure the independence of the compliance officer, including by providing it with all the resources necessary for fulfilling ***its*** duties. During ***its*** mandate, the compliance officer shall have no other professional position, responsibility or interest, directly or indirectly, in or with any part of the vertically integrated undertaking or with its controlling shareholders.	6. The conditions governing the mandate or the employment conditions of the compliance officer, including the duration of its mandate, shall be subject to approval by the regulatory authority. Those conditions shall ensure the independence of the compliance officer, including by providing it with all the resources necessary for fulfilling its duties. During its mandate, the compliance officer shall have no other professional position, responsibility or interest, directly or indirectly, in or with any part of the vertically integrated undertaking or with its controlling shareholders.	
Article 61(7)				
779	7. The compliance officer shall report regularly, either orally or in writing, to the regulatory authority and shall have the right to report regularly, either orally or in writing, to the Supervisory Body of the transmission system operator.	7. The compliance officer shall report regularly, either orally or in writing, to the regulatory authority and shall have the right to report regularly, either orally or in writing, to the Supervisory Body of the transmission system operator.	7. The compliance officer shall report regularly, either orally or in writing, to the regulatory authority and shall have the right to report regularly, either orally or in writing, to the Supervisory Body of the transmission system operator.	

PUBLIC

Article 61(8)				
780	8. The compliance officer may attend all meetings of the management or administrative bodies of the transmission system operator, and those of the Supervisory Body and the general assembly. The compliance officer shall attend all meetings that address the following matters:	8. The compliance officer may attend all meetings of the management or administrative bodies of the transmission system operator, and those of the Supervisory Body and the general assembly. The compliance officer shall attend all meetings that address the following matters:	8. The compliance officer may attend all meetings of the management or administrative bodies of the transmission system operator, and those of the Supervisory Body and the general assembly. The compliance officer shall attend all meetings that address the following matters:	
Article 61(8), point (a)				
781	(a) conditions for access to the network, as defined in [recast Gas Regulation as proposed in COM(2021)xxx], in particular regarding tariffs, third party access services, capacity allocation and congestion management, transparency, balancing and secondary markets;	(a) conditions for access to the network, as defined in [recast Gas Regulation as proposed in COM(2021)xxx], in particular regarding tariffs, third party access services, capacity allocation and congestion management, transparency, balancing and secondary markets;	(a) conditions for access to the network, as defined in [recast Gas Regulation as proposed in COM(2021)~~xxx~~ **804**], in particular regarding tariffs, third party access services, capacity allocation and congestion management, transparency, balancing and secondary markets;	
Article 61(8), point (b)				
782	(b) projects undertaken in order to operate, maintain and develop the transmission system, including investments in new transport connections, in expansion of	(b) projects undertaken in order to operate, maintain and develop the transmission system, including investments in new transport connections, in expansion of	(b) projects undertaken in order to operate, maintain and develop the transmission system, including investments in new transport connections, in expansion of	

PUBLIC

	capacity and in optimisation of existing capacity;	capacity and in optimisation of existing capacity;	capacity and in optimisation of existing capacity;	
Article 61(8), point (c)				
783	(c) energy purchases or sales necessary for the operation of the transmission system.	(c) energy purchases or sales necessary for the operation of the transmission system.	(c) energy purchases or sales necessary for the operation of the transmission system.	
Article 61(9)				
784	9. The compliance officer shall monitor the compliance of the transmission system operator with Article 36.	9. The compliance officer shall monitor the compliance of the transmission system operator with Article 36.	9. The compliance officer shall monitor the compliance of the transmission system operator with Article 36.	
Article 61(10)				
785	10. The compliance officer shall have access to all relevant data and to the offices of the transmission system operator and to all the information necessary for the fulfilment of his task.	10. The compliance officer shall have access to all relevant data and to the offices of the transmission system operator and to all the information necessary for the fulfilment of his task.	10. The compliance officer shall have access to all relevant data and to the offices of the transmission system operator and to all the information necessary for the fulfilment of his task.	
Article 61(11)				
786	11. After prior approval by the regulatory authority, the Supervisory Body may dismiss the compliance officer. It shall dismiss	11. After prior approval by the regulatory authority, the Supervisory Body may dismiss the compliance officer. It shall dismiss	11. After prior approval by the regulatory authority, the Supervisory Body may dismiss the compliance officer. It shall dismiss	

PUBLIC

	the compliance officer for reasons of lack of independence or professional capacity upon request of the regulatory authority.	the compliance officer for reasons of lack of independence or professional capacity upon request of the regulatory authority.	the compliance officer for reasons of lack of independence or professional capacity upon request of the regulatory authority.	
Article 61(12)				
787	12. The compliance officer shall have access to the offices of the transmission system operator without prior announcement.	12. The compliance officer shall have access to the offices of the transmission system operator without prior announcement.	12. The compliance officer shall have access to the offices of the transmission system operator without prior announcement.	
Section 4				
788	Section 4 Unbundling of dedicated hydrogen network operators	Section 4 Unbundling of dedicated hydrogen network operators	Section 4 Unbundling of dedicated hydrogen network operators	
Article 62				
789	Article 62 Unbundling of hydrogen network operators	Article 62 Unbundling of hydrogen ***transmission*** network operators	Article 62 Unbundling of hydrogen network operators	
Article 62(1)				
790	1. Member States shall ensure that from [end of transposition period+1year] hydrogen network operators are unbundled in accordance with the rules for	1. Member States shall ensure that from **...** [end of transposition period+1year] hydrogen ***transmission*** network operators are unbundled in accordance with	1. Member States shall ensure that from [end of transposition period+1year] hydrogen network operators are unbundled in accordance with the rules for	*Merge EP and Council amendments*

PUBLIC

	natural gas transmission system operators set out in Article 54(1) to (3).	the rules for natural gas transmission system operators set out in Article 54(1) to (3).	natural gas transmission system operators set out in Article 54(1) to (3)**, (6), (7) and (12)** .	
Article 62(2)				
791	2. For the purpose of this Article, of Articles 42 and 54, and of Articles 35 and 43 of Directive (EU) 2019/944, 'production or supply' shall include production and supply of hydrogen, and 'transmission' shall include transport of hydrogen.	2. For the purpose of this Article, of Articles 42 and 54 ***of this Directive***, and of Articles 35 and 43 of Directive (EU) 2019/944, 'production or supply' shall include production and supply of hydrogen, and 'transmission' shall include transport of hydrogen ***through a network which mainly contains high-pressure pipelines***.	2. For the purpose of this Article, of Articles 42 and 54, and of Articles 35 and 43 of Directive (EU) 2019/944, 'production or supply' shall include production and supply of hydrogen, and 'transmission' shall include transport of hydrogen.	*Rationale of EP unclear : H2 transport is « high pressure »*
Article 62(3)				
792	3. Where on [entry into force] the hydrogen network belonged to a vertically integrated undertaking, a Member State may decide not to apply paragraph 1. In such case, the Member State concerned shall designate an independent hydrogen network operator unbundled in accordance with the rules on independent system operators for natural gas set out Article 55. Hydrogen network operators and transmission system	3. Where on **...** [***date of*** entry into force ***of this Directive***] the hydrogen network belonged to a vertically integrated undertaking, a Member State may decide not to apply paragraph 1. In such ***a*** case, the Member State concerned shall designate an independent hydrogen ***transmission*** network operator unbundled in accordance with the rules on independent system operators for natural gas set out Article 55. Hydrogen	3. ~~Where on [entry into force] the~~**For** hydrogen ~~network belonged~~**networks belonging** to a vertically integrated undertaking, a Member State may decide not to apply paragraph 1. In such case, the Member State concerned shall designate an independent hydrogen network operator unbundled in accordance with the rules on independent system operators for natural gas set out **in** Article 55. Hydrogen network	*Support EP w regard to « transmission »*

PUBLIC

	operators for gas unbundled in accordance with Article 54(1) can act as independent hydrogen network operator, subject to the requirements pursuant to Article 63.	***transmission*** network operators and transmission system operators for gas unbundled in accordance with Article 54(1) can act as independent hydrogen ***transmission*** network operator ▌ .	operators and transmission system operators for gas unbundled in accordance with Article 54(1) ~~can~~**may** act as independent hydrogen network operator, subject to the requirements pursuant to Article 63.	
Article 62(4)				
793	4. Until 31 December 2030, Member State may designate an integrated hydrogen network operator unbundled in accordance with the rules on independent transmission operators for natural gas set out in Section 3 of Chapter IX. Such designation shall expire by 31 December 2030 at the latest.	4. ▌ Member State may designate an integrated hydrogen ***transmission*** network operator unbundled in accordance with the rules on independent transmission operators for natural gas set out in Section 3***, independently from the unbundling models adopted in natural gas and electricity sectors by Member States before ... [the date of entry into force of this Directive] and without prejudice to those models. Section 3 shall only apply in relation to the parts of the vertically integrated undertaking other than natural gas or electricity transmission system operator or distribution system operator***▌ .	4. ~~Until 31 December 2030~~**By way of derogation from Article 54, where a hydrogen network belongs to a certified transmission system operator for gas, or where on [entry into force of Directive] a hydrogen network belonged to a vertically integrated undertaking**, Member ~~State may~~ **States may decide not to apply paragraph 1** ~~Such designation shall expire by 31 December 2030 at the latest.~~	*Maintain Council wording (more comprehensive with regard to ISO option*) *The deleted wording would imply exclusion of new entrants and cannot be supported*
Article 62(5)				
794				*Support EP amendment : inclusion of Art.65*

	5. The rules applicable to transmission system operators set out in Article 66 shall apply to hydrogen network operators.	5. The rules applicable to transmission system operators set out in ***Articles 65 and*** 66 shall apply to hydrogen ***transmission*** network operators.	5. The rules applicable to transmission system operators set out in Article 66 shall apply to hydrogen network operators.	
Article 63				
795	Article 63 Horizontal unbundling of hydrogen network operators	Article 63 ▌	Article 63 Horizontal unbundling of hydrogen network operators	*Can support EP deletion of Article (implying account unbundling only , Art. 64, 69).* *As fall-back at least* ***legal unbundling has to be limited to transmission level only***
Article 63, first paragraph				
796	Where a hydrogen network operator is part of an undertaking active in transmission or distribution of natural gas or electricity, it shall be independent at least in terms of its legal form.	▌	Where a hydrogen network operator is part of an undertaking active in transmission or distribution of natural gas or electricity, it shall be independent at least in terms of its legal form.	
Article 64				
797	Article 64 Unbundling of accounts for hydrogen system operators	Article 64 Unbundling of accounts for hydrogen ***network*** operators	Article 64 Unbundling of accounts for hydrogen system operators	
Article 64, first paragraph				

PUBLIC

798	Member States shall ensure that the accounts of hydrogen system operators are kept in accordance with Article 69.	Member States shall ensure that the accounts of hydrogen ***network*** operators are kept in accordance with Article 69.	Member States shall ensure that the accounts of hydrogen system operators are kept in accordance with Article 69.	
Section 5				
799	Section 5 DESIGNATION AND CERTIFICATION OF NATURAL GAS AND HYDROGEN NETWORK OPERATORS	Section 5 DESIGNATION AND CERTIFICATION OF NATURAL GAS AND HYDROGEN NETWORK OPERATORS	Section 5 DESIGNATION AND CERTIFICATION OF NATURAL GAS AND HYDROGEN NETWORK OPERATORS	
Article 65				
800	Article 65 Designation and certification of transmission system operators and hydrogen network operators	Article 65 Designation and certification of transmission system operators and hydrogen network operators	Article 65 Designation and certification of transmission system operators and hydrogen network operators	
Article 65(1)				
801	1. Before an undertaking is approved and designated as transmission system operator or hydrogen network operator, it shall be certified according to the procedures laid down in paragraphs 4, 5 and 6 of this Article and in Article 13 of [recast	1. Before an undertaking is approved and designated as transmission system operator or hydrogen network operator, it shall be certified according to the procedures laid down in paragraphs 4, 5 and 6 of this Article and in Article 13 of [recast	1. Before an undertaking is approved and designated as transmission system operator or hydrogen network operator, it shall be certified according to the procedures laid down in paragraphs 4, 5 and 6 of this Article and in Article 13 of [recast	

PUBLIC

	Gas Regulation proposed by COM(2021) xxx].	Gas Regulation proposed by COM(2021) xxx].	Gas Regulation proposed by COM(2021) ~~xxx~~ **804**].	
Article 65(2)				
802	2. Undertakings which have been certified by the regulatory authority as having complied with the requirements of Article 54 or 62, pursuant to the certification procedure, shall be approved and designated as transmission system operators or hydrogen network operators by Member States. The designation of transmission system operators and hydrogen network operators shall be notified to the Commission and published in the Official Journal of the European Union.	2. Undertakings which have been certified by the regulatory authority as having complied with the requirements of Article 54 or 62, pursuant to the certification procedure, shall be approved and designated as transmission system operators or hydrogen network operators by Member States. The designation of transmission system operators and hydrogen network operators shall be notified to the Commission and published in the Official Journal of the European Union.	2. Undertakings which have been certified by the regulatory authority as having complied with the requirements of Article 54 or 62, pursuant to the certification procedure, shall be approved and designated as transmission system operators or hydrogen network operators by Member States. The designation of transmission system operators and hydrogen network operators shall be notified to the Commission and published in the Official Journal of the European Union.	
Article 65(3)				
803	3. Certified undertakings shall notify to the regulatory authority any planned transaction which may require a reassessment of their compliance with the requirements of Article 54 or Article 62.	3. Certified undertakings shall notify to the regulatory authority any planned transaction which may require a reassessment of their compliance with the requirements of Article 54 or Article 62.	3. Certified undertakings shall notify to the regulatory authority any planned transaction which may require a reassessment of their compliance with the requirements of Article 54 or Article 62.	
Article 65(4)				

PUBLIC

804	4. The regulatory authorities shall monitor the continuing compliance of certified undertakings with the requirements of Article 54 or Article 62. They shall open a certification procedure to ensure such compliance:	4. The regulatory authorities shall monitor the continuing compliance of certified undertakings with the requirements of Article 54 or Article 62. They shall open a certification procedure to ensure such compliance:	4. The regulatory authorities shall monitor the continuing compliance of certified undertakings with the requirements of Article 54 or Article 62. They shall open a certification procedure to ensure such compliance:	
Article 65(4), point (a)				
805	(a) upon notification by the of certified undertaking pursuant to paragraph 3;	(a) upon notification by the of certified undertaking pursuant to paragraph 3;	(a) upon notification by the of certified undertaking pursuant to paragraph 3;	
Article 65(4), point (b)				
806	(b) on their own initiative where they have knowledge that a planned change in rights or influence over certified undertakings or transmission system owners may lead to an infringement of Article 54 or Article 62 or where they have reason to believe that such an infringement may have occurred; or	(b) on their own initiative where they have knowledge that a planned change in rights or influence over certified undertakings or transmission system owners may lead to an infringement of Article 54 or Article 62 or where they have reason to believe that such an infringement may have occurred; or	(b) on their own initiative where they have knowledge that a planned change in rights or influence over certified undertakings or transmission system owners may lead to an infringement of Article 54 or Article 62 or where they have reason to believe that such an infringement may have occurred; or	
Article 65(4), point (c)				
807				

	(c) upon a reasoned request from the Commission.	(c) upon a reasoned request from the Commission.	(c) upon a reasoned request from the Commission.	
Article 65(5)				
808	5. The regulatory authorities shall adopt a decision on the certification of a natural gas transmission system operator or a hydrogen network operator within 100 working days from the date of the notification by the natural gas transmission system operator or the hydrogen network operator or from the date of the Commission request. After expiry of that period, the certification shall be deemed to be granted. The explicit or tacit decision of the regulatory authority shall become effective only after the conclusion of the procedure set out in paragraph 6.	5. The regulatory authorities shall adopt a decision on the certification of a natural gas transmission system operator or a hydrogen network operator within 100 working days from the date of the notification by the natural gas transmission system operator or the hydrogen network operator or from the date of the Commission request. After expiry of that period, the certification shall be deemed to be granted. The explicit or tacit decision of the regulatory authority shall become effective only after the conclusion of the procedure set out in paragraph 6.	5. The regulatory authorities shall adopt a decision on the certification of a ~~natural gas~~ transmission system operator or a hydrogen network operator within 100 working days from the date of the notification by ~~the natural gas~~ transmission system operator or the hydrogen network operator or from the date of the Commission request. After expiry of that period, the certification shall be deemed to be granted. The explicit or tacit decision of the regulatory authority shall become effective only after the conclusion of the procedure set out in paragraph 6.	
Article 65(6)				
809	6. The explicit or tacit decision on the certification shall be notified without delay to the Commission by the regulatory authority, together with all the relevant information with respect to that decision. The Commission shall act in accordance with the	6. The explicit or tacit decision on the certification shall be notified without delay to the Commission by the regulatory authority, together with all the relevant information with respect to that decision. The Commission shall act in accordance with the	6. The explicit or tacit decision on the certification shall be notified without delay to the Commission by the regulatory authority, together with all the relevant information with respect to that decision. The Commission shall act in accordance with the	

PUBLIC

	procedure laid down in Article 13 of [recast Gas Regulation proposed by COM(2021) xxx].	procedure laid down in Article 13 of [recast Gas Regulation proposed by COM(2021) xxx].	procedure laid down in Article 13 of [recast Gas Regulation proposed by COM(2021) ~~xxx~~ **804**].	
Article 65(7)				
810	7. The regulatory authorities and the Commission may request from transmission system operators, hydrogen network operators and undertakings performing any of the functions of production or supply any information relevant for the fulfilment of their tasks under this Article.	7. The regulatory authorities and the Commission may request from transmission system operators, hydrogen network operators and undertakings performing any of the functions of production or supply any information relevant for the fulfilment of their tasks under this Article.	7. The regulatory authorities and the Commission may request from transmission system operators, hydrogen network operators and undertakings performing any of the functions of production or supply any information relevant for the fulfilment of their tasks under this Article.	
Article 65(8)				
811	8. The regulatory authorities and the Commission shall preserve the confidentiality of commercially sensitive information.	8. The regulatory authorities and the Commission shall preserve the confidentiality of commercially sensitive information.	8. The regulatory authorities and the Commission shall preserve the confidentiality of commercially sensitive information.	
Article 66				
812	Article 66 Certification in relation to third countries	Article 66 Certification in relation to third countries	Article 66 Certification in relation to third countries	
Article 66(1), first subparagraph				

PUBLIC

813	1. Where certification is requested by a transmission system owner, a transmission system operator, a hydrogen network operator or a hydrogen network owner which is controlled by a person or persons from a third country or third countries, the regulatory authority shall notify the Commission.	1. Where certification is requested by a transmission system owner, a transmission system operator, a hydrogen network operator or a hydrogen network owner which is controlled by a person or persons from a third country or third countries, the regulatory authority shall notify the Commission.	1. Where certification is requested by a transmission system owner, a transmission system operator, a hydrogen network operator or a hydrogen network owner which is controlled by a person or persons from a third country or third countries, the regulatory authority shall notify the Commission.	
Article 66(1), second subparagraph				
814	The regulatory authority shall also notify to the Commission without delay any circumstances that would result in a person or persons from a third country or third countries acquiring control of a transmission system, a transmission system operator, a hydrogen network or a hydrogen network operator.	The regulatory authority shall also notify to the Commission without delay any circumstances that would result in a person or persons from a third country or third countries acquiring control of a transmission system, a transmission system operator, a hydrogen network or a hydrogen network operator.	The regulatory authority shall also notify to the Commission without delay any circumstances that would result in a person or persons from a third country or third countries acquiring control of a transmission system, a transmission system operator, a hydrogen network or a hydrogen network operator.	
Article 66(2)				
815	2. The transmission system operator or hydrogen network operator shall notify to the regulatory authority any circumstances that would result in a person or persons from a third country or third countries	2. The transmission system operator or hydrogen network operator shall notify to the regulatory authority any circumstances that would result in a person or persons from a third country or third countries	2. The transmission system operator or hydrogen network operator shall notify to the regulatory authority any circumstances that would result in a person or persons from a third country or third countries	

	acquiring control of the transmission system or the transmission system operator or of the hydrogen network or the hydrogen network operator.	acquiring control of the transmission system or the transmission system operator or of the hydrogen network or the hydrogen network operator.	acquiring control of the transmission system or the transmission system operator or of the hydrogen network or the hydrogen network operator .	
Article 66(3)				
816	3. The regulatory authority shall adopt a draft decision on the certification of a transmission system operator or hydrogen network operator within 100 working days from the date of notification by the transmission system operator or hydrogen network operator. It shall refuse the certification if it has not been demonstrated:	3. The regulatory authority shall adopt a draft decision on the certification of a transmission system operator or hydrogen network operator within 100 working days from the date of notification by the transmission system operator or hydrogen network operator. It shall refuse the certification if it has not been demonstrated:	3. The regulatory authority shall adopt a draft decision on the certification of a transmission system operator or hydrogen network operator within 100 working days from the date of notification by the transmission system operator or hydrogen network operator. It shall refuse the certification if it has not been demonstrated:	
Article 66(3), point (a)				
817	(a) that the entity concerned complies with the requirements of Article 54 or Article 62; and	(a) that the entity concerned complies with the requirements of Article 54 or Article 62; and	(a) that the entity concerned complies with the requirements of Article 54 or Article 62; and	
Article 66(3), point (b)				
818	(b) to the regulatory authority or to another competent authority designated by the Member State that granting certification will not	(b) to the regulatory authority or to another competent authority designated by the Member State that granting certification will not	(b) to the regulatory authority or to another competent authority designated by the Member State that granting certification will not	

PUBLIC

	put at risk the security of energy supply of the Member State and the Union. In considering that question the regulatory authority or other competent authority so designated shall take into account:	put at risk the security of energy supply of the Member State ***or the*** Union. In considering that question the regulatory authority or other competent authority so designated shall take into account:	put at risk the security of energy supply of the Member State and the Union. In considering that question the regulatory authority or other competent authority so designated shall take into account:	
Article 66(3), point (b)(i)				
819	(i) the rights and obligations of the Union with respect to that third country arising under international law, including any agreement concluded with one or more third countries to which the Union is a party and which addresses the issues of security of energy supply;	(i) the rights and obligations of the Union with respect to that third country arising under international law, including any agreement concluded with one or more third countries to which the Union is a party and which addresses the issues of security of energy supply;	(i) the rights and obligations of the Union with respect to that third country arising under international law, including any agreement concluded with one or more third countries to which the Union is a party and which addresses the issues of security of energy supply;	
Article 66(3), point (b)(ii)				
820	(ii) the rights and obligations of the Member State with respect to that third country arising under agreements concluded with it, insofar as they are in compliance with Union law;	(ii) the rights and obligations of the Member State with respect to that third country arising under agreements concluded with it, insofar as they are in compliance with Union law;	(ii) the rights and obligations of the Member State with respect to that third country arising under agreements concluded with it, insofar as they are in compliance with Union law;	
820a		***(iia) evidence of that third country's implementation of its***		

		obligations as energy supplier in a fair, transparent, credible and unbiased manner, and any Union-wide penalties imposed on that third country;		
Article 66(3), point (b)(iii)				
821	(iii) other specific facts and circumstances of the case and the third country concerned.	(iii) other specific facts and circumstances of the case and the third country concerned.	(iii) other specific facts and circumstances of the case and the third country concerned.	
Article 66(4)				
822	4. The regulatory authority shall notify the decision to the Commission without delay, together with all the relevant information with respect to that decision.	4. The regulatory authority shall notify the decision to the Commission without delay, together with all the relevant information with respect to that decision.	4. The regulatory authority shall notify the decision to the Commission without delay, together with all the relevant information with respect to that decision.	
Article 66(5)				
823	5. Member States shall provide for the regulatory authority or the designated competent authority referred to in paragraph 3, point (b), before the regulatory authority adopts a decision on the certification, to request an opinion from the Commission on whether:	5. Member States shall provide for the regulatory authority or the designated competent authority referred to in paragraph 3, point (b), before the regulatory authority adopts a decision on the certification, to request an opinion from the Commission on whether:	5. Member States shall provide for the regulatory authority or the designated competent authority referred to in paragraph 3, point (b), before the regulatory authority adopts a decision on the certification, to request an opinion from the Commission on whether:	

PUBLIC

Article 66(5), point (a)				
824	(a) the entity concerned complies with the requirements of Article 54 or Article 62; and	(a) the entity concerned complies with the requirements of Article 54 or Article 62; and	(a) the entity concerned complies with the requirements of Article 54 or Article 62; and	
Article 66(5), point (b)				
825	(b) granting certification will not put at risk the security of energy supply to the Union.	(b) granting certification will not put at risk the security of energy supply to the Union.	(b) granting certification will not put at risk the security of energy supply to the Union.	
Article 66(6), first subparagraph				
826	6. The Commission shall examine the request referred to in paragraph 5 as soon as it is received. Within a period of 50 working days after receiving the request, it shall deliver its opinion to the regulatory authority or, if the request was made by the designated competent authority, to that authority.	6. The Commission shall examine the request referred to in paragraph 5 as soon as it is received. Within a period of 50 working days after receiving the request, it shall deliver its opinion to the regulatory authority or, if the request was made by the designated competent authority, to that authority.	6. The Commission shall examine the request referred to in paragraph 5 as soon as it is received. Within a period of 50 working days after receiving the request, it shall deliver its opinion to the regulatory authority or, if the request was made by the designated competent authority, to that authority.	
Article 66(6), second subparagraph				
827	In preparing the opinion, the Commission may request the views of ACER, the Member State concerned, and interested parties. In the event that the Commission	In preparing the opinion, the Commission may request the views of ACER, the Member State concerned, and interested parties. In the event that the Commission	In preparing the opinion, the Commission may request the views of ACER, the Member State concerned, and interested parties. In the event that the Commission	

PUBLIC

	makes such a request, the 50 working days period shall be extended by further 50 working days.	makes such a request, the 50 working days period shall be extended by further 50 working days.	makes such a request, the 50 working days period shall be extended by further 50 working days .	
Article 66(6), third subparagraph				
828	In the absence of an opinion by the Commission within the period referred to in the first and second subparagraphs, the Commission is deemed not to raise objections to the decision of the regulatory authority.	In the absence of an opinion by the Commission within the period referred to in the first and second subparagraphs, the Commission is deemed not to raise objections to the decision of the regulatory authority.	In the absence of an opinion by the Commission within the period referred to in the first and second subparagraphs, the Commission is deemed not to raise objections to the decision of the regulatory authority.	
Article 66(7)				
829	7. When assessing whether the control by a person or persons from a third country or third countries will put at risk the security of energy supply to the Union, the Commission shall take into account:	7. When assessing whether the control by a person or persons from a third country or third countries will put at risk the security of energy supply to the Union, the Commission shall take into account:	7. When assessing whether the control by a person or persons from a third country or third countries will put at risk the security of energy supply to the Union, the Commission shall take into account:	
Article 66(7), point (a)				
830	(a) the specific facts of the case and the third country or third countries concerned; and	(a) the specific facts of the case and the third country or third countries concerned***, including evidence of that third country's implementation of its obligations***	(a) the specific facts of the case and the third country or third countries concerned; and	

PUBLIC

		as energy supplier in a fair, transparent, credible and unbiased manner, and of any Union-wide penalties imposed on that third country; and		
Article 66(7), point (b)				
831	(b) the rights and obligations of the Union with respect to that third country or third countries arising under international law, including an agreement concluded with one or more third countries to which the Union is a party and which addresses the issues of security of supply.	(b) the rights and obligations of the Union with respect to that third country or third countries arising under international law, including an agreement concluded with one or more third countries to which the Union is a party and which addresses the issues of security of supply.	(b) the rights and obligations of the Union with respect to that third country or third countries arising under international law, including an agreement concluded with one or more third countries to which the Union is a party and which addresses the issues of security of supply.	
Article 66(8)				
832	8. The regulatory authority shall, within a period of 50 working days after the expiry of the period referred to in paragraph 6, adopt its final decision on the certification. In adopting its final decision the regulatory authority shall take utmost account of the Commission's opinion. In any event Member States shall have the right to refuse certification where granting certification puts at risk the Member State's security	8. The regulatory authority shall, within a period of 50 working days after the expiry of the period referred to in paragraph 6, adopt its final decision on the certification. In adopting its final decision the regulatory authority shall take utmost account of the Commission's opinion. In any event Member States shall have the right to refuse certification where granting certification puts at risk the Member State's security	8. The regulatory authority shall, within a period of 50 working days after the expiry of the period referred to in paragraph 6, adopt its final decision on the certification. In adopting its final decision the regulatory authority shall take utmost account of the Commission's opinion. In any event Member States shall have the right to refuse certification where granting certification puts at risk the Member State's security	

PUBLIC

	of energy supply or the security of energy supply of another Member State. Where the Member State has designated another competent authority to assess paragraph 3, point (b), it may require the regulatory authority to adopt its final decision in accordance with the assessment of that competent authority. The regulatory authority's final decision and the Commission's opinion shall be published together. Where the final decision diverges from the Commission's opinion, the Member State concerned shall provide and publish, together with that decision, the reasoning underlying such decision.	of energy supply or the security of energy supply of another Member State. Where the Member State has designated another competent authority to assess paragraph 3, point (b), it may require the regulatory authority to adopt its final decision in accordance with the assessment of that competent authority. The regulatory authority's final decision and the Commission's opinion shall be published together. Where the final decision diverges from the Commission's opinion, the Member State concerned shall provide and publish, together with that decision, the reasoning underlying such decision.	of energy supply or the security of energy supply of another Member State. Where the Member State has designated another competent authority to assess paragraph 3, point (b), it may require the regulatory authority to adopt its final decision in accordance with the assessment of that competent authority. The regulatory authority's final decision and the Commission's opinion shall be published together. Where the final decision diverges from the Commission's opinion, the Member State concerned shall provide and publish, together with that decision, the reasoning underlying such decision.	
Article 66(9)				
833	9. Nothing in this Article shall affect the right of Member States to exercise, in compliance with Union law, national legal controls to protect legitimate public security interests.	9. Nothing in this Article shall affect the right of Member States to exercise, in compliance with Union law, national legal controls to protect legitimate public security interests.	9. Nothing in this Article shall affect the right of Member States to exercise, in compliance with Union law, national legal controls to protect legitimate public security interests.	
Article 66(10)				
834	10. The Commission is empowered to adopt delegated acts	10. The Commission is empowered to adopt delegated acts	10. The Commission is empowered to adopt delegated acts	

	in accordance with Article 83 in order to provide guidelines setting out the details of the procedure to be followed for the application of this Article.	in accordance with Article 83 in order to provide guidelines setting out the details of the procedure to be followed for the application of this Article.	in accordance with Article 83 in order to ~~provide~~**supplement this Directive by providing** guidelines setting out the details of the procedure to be followed for the application of this Article~~.~~	
Article 66(11)				
835	11.	11.	I think this is a mistake from COM proposal. This line should be deleted.	
Article 67				
836	Article 67 Designation of operators of natural gas storage, hydrogen storage, LNG facilities and hydrogen terminals	Article 67 Designation of operators of natural gas storage, hydrogen storage, LNG facilities and hydrogen terminals	Article 67 Designation of operators of natural gas storage , hydrogen storage, LNG facilities and hydrogen terminals	
Article 67, first paragraph				
837	Member States shall designate, or shall require undertakings which own natural gas storage, hydrogen storage, LNG facilities and hydrogen terminals to designate, for a period of time to be determined by Member States, having regard to considerations of efficiency and economic balance,	Member States shall designate, or shall require undertakings which own natural gas storage, hydrogen storage, LNG facilities and hydrogen terminals to designate, for a period of time to be determined by Member States, having regard to considerations of efficiency and economic balance,	Member States shall designate, or shall require undertakings which own natural gas storage, hydrogen storage, LNG facilities and hydrogen terminals to designate, for a period of time to be determined by Member States, having regard to considerations of efficiency and economic balance,	

	one or more operators for these infrastructure.	one or more operators for these infrastructure.	one or more operators for these infrastructure.	
Section 6				
838	Section 6 Unbundling and transparency of accounts	Section 6 Unbundling and transparency of accounts	Section 6 Unbundling and transparency of accounts	
Article 68				
839	Article 68 Right of access to accounts	Article 68 Right of access to accounts	Article 68 Right of access to accounts	
Article 68(1)				
840	1. Member States or any competent authority they designate, including the regulatory authorities referred to in Article 70(1) and the dispute settlement authorities referred to in Article 24(3), shall, insofar as necessary to carry out their functions, have right of access to the accounts of natural gas and hydrogen undertakings as set out in Article 71.	1. Member States or any competent authority they designate, including the regulatory authorities referred to in Article 70(1) and the dispute settlement authorities referred to in Article 24(3), shall, insofar as necessary to carry out their functions, have right of access to the accounts of natural gas and hydrogen undertakings as set out in Article 71.	1. Member States or any competent authority they designate, including the regulatory authorities referred to in Article 70(1) and the dispute settlement authorities referred to in Article 24(3), shall, insofar as necessary to carry out their functions, have right of access to the accounts of natural gas and hydrogen undertakings as set out in Article 71.	
Article 68(2)				
841				

PUBLIC

	2. Member States and any designated competent authority, including the regulatory authorities referred to in Article 70(1) and the dispute settlement authorities, shall preserve the confidentiality of commercially sensitive information. Member States may provide for the disclosure of such information where this is necessary in order for the competent authorities to carry out their functions.	2. Member States and any designated competent authority, including the regulatory authorities referred to in Article 70(1) and the dispute settlement authorities, shall preserve the confidentiality of commercially sensitive information. Member States may provide for the disclosure of such information where this is necessary in order for the competent authorities to carry out their functions.	2. Member States and any designated competent authority, including the regulatory authorities referred to in Article 70(1) and the dispute settlement authorities, shall preserve the confidentiality of commercially sensitive information. Member States may provide for the disclosure of such information where this is necessary in order for the competent authorities to carry out their functions.	
Article 69				
842	Article 69 Unbundling of accounts	Article 69 Unbundling of accounts	Article 69 Unbundling of accounts	
Article 69(1)				
843	1. Member States shall take the necessary steps to ensure that the accounts of natural gas and hydrogen undertakings are kept in accordance with paragraphs 2 to 5.	1. Member States shall take the necessary steps to ensure that the accounts of natural gas and hydrogen undertakings are kept in accordance with paragraphs 2 to 5.	1. Member States shall take the necessary steps to ensure that the accounts of natural gas and hydrogen undertakings are kept in accordance with paragraphs 2 to 5.	
Article 69(2), first subparagraph				
844	2. Natural gas and hydrogen undertakings, whatever their system of ownership or legal form,	2. Natural gas and hydrogen undertakings, whatever their system of ownership or legal form,	2. Natural gas and hydrogen undertakings, whatever their system of ownership or legal form,	

	shall draw up, submit to audit and publish their annual accounts in accordance with the rules of national law concerning the annual accounts of limited liability companies adopted pursuant to Directive 2013/34/EU of the European Parliament and of the Council[1]. _____ 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	shall draw up, submit to audit and publish their annual accounts in accordance with the rules of national law concerning the annual accounts of limited liability companies adopted pursuant to Directive 2013/34/EU of the European Parliament and of the Council[1]. _____ 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	shall draw up, submit to audit and publish their annual accounts in accordance with the rules of national law concerning the annual accounts of limited liability companies adopted pursuant to Directive 2013/34/EU of the European Parliament and of the Council[1] . _____ 1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).	
Article 69(2), second subparagraph				
845	Undertakings which are not legally obliged to publish their annual accounts shall keep a copy thereof at the disposal of the public at their head office.	Undertakings which are not legally obliged to publish their annual accounts shall keep a copy thereof at the disposal of the public at their head office.	Undertakings which are not legally obliged to publish their annual accounts shall keep a copy thereof at the disposal of the public at their head office.	
Article 69(3)				
846	3. Undertakings shall, in their internal accounting, keep separate accounts for each of their transmission, distribution, LNG,	3. Undertakings shall, in their internal accounting, keep separate accounts for each of their transmission, distribution, LNG,	3. Undertakings shall, in their internal accounting, keep separate accounts for each of their transmission, distribution, LNG,	*Support for EP amendment as above(account unbundling only)*

	hydrogen terminal, natural gas and hydrogen storage and hydrogen transport activities as they would be required to do if the activities in question were carried out by separate undertakings, with a view to avoiding discrimination, cross-subsidisation and distortion of competition. They shall also keep accounts, which may be consolidated, for other activities not relating to transmission, distribution, LNG. hydrogen terminal, natural gas and hydrogen storage and hydrogen transport activities. Revenue from ownership of the transmission, distribution or hydrogen network shall be specified in the accounts. Where appropriate, they shall keep consolidated accounts for other, non-gas activities. The internal accounts shall include a balance sheet and a profit and loss account for each activity.	hydrogen terminal, natural gas and hydrogen storage and hydrogen transport activities as they would be required to do if the activities in question were carried out by separate undertakings, with a view to avoiding discrimination, cross-subsidisation and distortion of competition. ***Infrastructure assets of the undertakings shall be clearly allocated to the respective accounts and regulatory asset bases separately for natural gas, electricity or hydrogen assets and shall be made transparent.*** They shall also keep accounts, which may be consolidated, for other activities not relating to transmission, distribution, LNG**,** hydrogen terminal, natural gas and hydrogen storage and hydrogen transport activities. Revenue from ownership of the transmission, distribution or hydrogen network shall be specified in the accounts. Where appropriate, they shall keep consolidated accounts for other, non-gas activities. The internal accounts shall include a balance sheet and a profit and loss account for each activity. ***The separation of accounts shall be audited in accordance with the rules laid down in paragraph 2 and***	hydrogen terminal, natural gas and hydrogen storage and hydrogen transport activities as they would be required to do if the activities in question were carried out by separate undertakings, with a view to avoiding discrimination, cross-subsidisation and distortion of competition. They shall also keep accounts, which may be consolidated, for other activities not relating to transmission, distribution, LNG. hydrogen terminal, natural gas and hydrogen storage and hydrogen transport activities. **.** Revenue from ownership of the transmission , distribution or hydrogen network shall be specified in the accounts. Where appropriate, they shall keep consolidated accounts for other, non-gas activities. The internal accounts shall include a balance sheet and a profit and loss account for each activity.	

		reported to the regulatory authority concerned.		
Article 69(4)				
847	4. The audit referred to in paragraph 2 shall, in particular, verify that the obligation to avoid discrimination and cross-subsidies referred to in paragraph 3 is respected.	4. The audit referred to in paragraph 2 shall, in particular, verify that the obligation to avoid discrimination and cross-subsidies referred to in paragraph 3 is respected. ***Without prejudice to Article 4 of Regulation [recast Gas Regulation as proposed in COM(2021)xxx], there shall be no cross-subsidisation between current gas grid users and the users of the future hydrogen network.***	4. The audit referred to in paragraph 2 shall, in particular, verify that the obligation to avoid discrimination and cross-subsidies referred to in paragraph 3 is respected.	
Article 69(5)				
848	5. Undertakings shall specify in their internal accounting the rules for the allocation of assets and liabilities, expenditure and income as well as for depreciation, without prejudice to nationally applicable accounting rules, which they follow in drawing up the separate accounts referred to in paragraph 3. Those internal rules may be amended only in exceptional	5. Undertakings shall specify in their internal accounting the rules for the allocation of assets and liabilities, expenditure and income as well as for depreciation, without prejudice to nationally applicable accounting rules, which they follow in drawing up the separate accounts referred to in paragraph 3. Those internal rules may be amended only in exceptional	5. Undertakings shall specify in their internal accounting the rules for the allocation of assets and liabilities, expenditure and income as well as for depreciation, without prejudice to nationally applicable accounting rules, which they follow in drawing up the separate accounts referred to in paragraph 3. Those internal rules may be amended only in exceptional	

PUBLIC

	cases. Such amendments shall be mentioned and duly substantiated.	cases. Such amendments shall be mentioned and duly substantiated.	cases. Such amendments shall be mentioned and duly substantiated.	
Article 69(6)				
849	6. The annual accounts shall indicate in notes any transaction of a certain size conducted with related undertakings.	6. The annual accounts shall indicate in notes any transaction of a certain size conducted with related undertakings.	6. The annual accounts shall indicate in notes any transaction of a certain size conducted with related undertakings.	
Chapter X				
850	Chapter X Regulatory Authorities	Chapter X Regulatory Authorities	Chapter X -Regulatory Authorities	
Article 70				
851	Article 70 Designation and independence of regulatory authorities	Article 70 Designation and independence of regulatory authorities	Article 70 Designation and independence of regulatory authorities	
Article 70(1)				
852	1. Each Member State shall designate a single regulatory authority at national level.	1. Each Member State shall designate a single regulatory authority at national level.	1. Each Member State shall designate a single regulatory authority at national level.	
Article 70(2)				
853				

PUBLIC

	2. Paragraph 1 shall be without prejudice to the designation of other regulatory authorities at regional level within Member States, provided that there is one senior representative for representation and contact purposes at Union level within the Board of Regulators of ACER in accordance with Article 7(1) of Regulation (EU) 2019/942.	2. Paragraph 1 shall be without prejudice to the designation of other regulatory authorities at regional level within Member States, provided that there is one senior representative for representation and contact purposes at Union level within the Board of Regulators of ACER in accordance with Article 7(1) of Regulation (EU) 2019/942.	2. Paragraph 1 shall be without prejudice to the designation of other regulatory authorities at regional level within Member States, provided that there is one senior representative for representation and contact purposes at Union level within the Board of Regulators of ACER in accordance with Article 7(1) of Regulation (EU) 2019/942.	
Article 70(3)				
854	3. By way of derogation from paragraph 1, a Member State may designate regulatory authorities for small systems in a geographically separate region whose consumption, in 2008, accounted for less than 3 % of the total consumption of the Member State of which it is part. That derogation shall be without prejudice to the appointment of one senior representative for representation and contact purposes at Union level within the Board of Regulators of ACER in compliance with Article 7(1) of Regulation (EU) 2019/942.	3. By way of derogation from paragraph 1, a Member State may designate regulatory authorities for small systems in a geographically separate region whose consumption, in 2008, accounted for less than 3 % of the total consumption of the Member State of which it is part. That derogation shall be without prejudice to the appointment of one senior representative for representation and contact purposes at Union level within the Board of Regulators of ACER in compliance with Article 7(1) of Regulation (EU) 2019/942.	3. By way of derogation from paragraph 1 , a Member State may designate regulatory authorities for small systems in a geographically separate region whose consumption, in 2008, accounted for less than 3 % of the total consumption of the Member State of which it is part. That derogation shall be without prejudice to the appointment of one senior representative for representation and contact purposes at Union level within the Board of Regulators of ACER in compliance with Article 7(1) of Regulation (EU) 2019/942.	
Article 70(4)				

855	4. Member States shall guarantee the independence of the regulatory authority and shall ensure that it exercises its powers impartially and transparently. For this purpose, Member States shall ensure that, when carrying out the regulatory tasks conferred upon it by this Directive and related legislation, the regulatory authority:	4. Member States shall guarantee the independence of the regulatory authority and shall ensure that it exercises its powers impartially and transparently. For this purpose, Member States shall ensure that, when carrying out the regulatory tasks conferred upon it by this Directive and related ***legal acts***, the regulatory authority:	4. Member States shall guarantee the independence of the regulatory authority and shall ensure that it exercises its powers impartially and transparently. For this purpose, Member States shall ensure that, when carrying out the regulatory tasks conferred upon it by this Directive and related legislation, the regulatory authority:	
Article 70(4), point (a)				
856	(a) is legally distinct and functionally independent from any other public or private entity;	(a) is legally distinct and functionally independent from any other public or private entity;	(a) is legally distinct and functionally independent from any other public or private entity;	
Article 70(4), point (b)				
857	(b) ensures that its staff and the persons responsible for its management:	(b) ensures that its staff and the persons responsible for its management:	(b) ensures that its staff and the persons responsible for its management:	
Article 70(4), point (b)(i)				
858	(i) act independently from any market interest;	(i) act independently from any market ***and political*** interest;	(i) act independently from any market interest;	Uphold Council version
Article 70(4), point (b)(ii)				

859	(ii) do not seek or take direct instructions from any government or other public or private entity when carrying out the regulatory tasks. That requirement is without prejudice to close cooperation, as appropriate, with other relevant national authorities or to general policy guidelines issued by the government and not related to the regulatory powers and duties under Article 72.	(ii) do not seek or take direct instructions from any government or other public or private entity when carrying out the regulatory tasks. That requirement is without prejudice to close cooperation, as appropriate, with other relevant national authorities ***and consumer representative bodies*** or to general policy guidelines issued by the government and not related to the regulatory powers and duties under Article 72.	(ii) do not seek or take direct instructions from any government or other public or private entity when carrying out the regulatory tasks. That requirement is without prejudice to close cooperation, as appropriate, with other relevant national authorities or to general policy guidelines issued by the government and not related to the regulatory powers and duties under Article 72.	Uphold council amendments. Connsumer reperesentative bodies a representing political interests of a speicif group as business associations do. Regarding the latter, there is general agreement the regulatoriy authorities should act independently from their influence. All representative bodies of stakeholders should be treated equally.
Article 70(5), first subparagraph				
860	5. In order to protect the independence of the regulatory authority, Member States shall in particular ensure that:	5. In order to protect the independence of the regulatory authority, Member States shall in particular ensure that:	5. In order to protect the independence of the regulatory authority, Member States shall in particular ensure that:	
Article 70(5), first subparagraph, point (a)				
861	(a) the regulatory authority can take autonomous decisions, independently from any political body;	(a) the regulatory authority can take autonomous decisions, independently from any political body;	(a) the regulatory authority can take autonomous decisions, independently from any political body;	
Article 70(5), first subparagraph, point (b)				
862				

	(b) the regulatory authority has all the necessary human and financial resources it needs to carry out its duties and exercise its powers in an effective and efficient manner;	(b) the regulatory authority has all the necessary human and financial resources it needs to carry out its duties and exercise its powers in an effective and efficient manner;	(b) the regulatory authority has all the necessary human and financial resources it needs to carry out its duties and exercise its powers in an effective and efficient manner;	
Article 70(5), first subparagraph, point (c)				
863	(c) the regulatory authority has a separate annual budget allocation and autonomy in the implementation of the allocated budget;	(c) the regulatory authority has a separate annual budget allocation and autonomy in the implementation of the allocated budget;	(c) the regulatory authority has a separate annual budget allocation and autonomy in the implementation of the allocated budget;	
Article 70(5), first subparagraph, point (d)				
864	(d) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management are appointed for a fixed term of five up to seven years, renewable once.	(d) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management are appointed for a fixed term of five up to seven years, renewable once.	(d) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management are appointed for a fixed term of five up to seven years, renewable once.	
Article 70(5), first subparagraph, point (e)				
865	(e) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management are appointed based on objective, transparent and published criteria, in an independent and impartial	(e) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management are appointed based on objective, transparent and published criteria, in an independent and impartial	(e) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management are appointed based on objective, transparent and published criteria, in an independent and impartial	

PUBLIC

	procedure, which ensures that the candidates have the necessary skills and experience for any relevant position in the regulatory authority;	procedure, which ensures that the candidates have the necessary skills and experience for any relevant position in the regulatory authority;	procedure, which ensures that the candidates have the necessary skills and experience for any relevant position in the regulatory authority;	
Article 70(5), first subparagraph, point (f)				
866	(f) provisions on conflict of interest are in place and confidentiality obligations extend beyond the end of the mandate of the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management;	(f) provisions on conflict of interest are in place and confidentiality obligations extend beyond the end of the mandate of the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management;	(f) provisions on conflict of interest are in place and confidentiality obligations extend beyond the end of the mandate of the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management;	
Article 70(5), first subparagraph, point (g)				
867	(g) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management may be dismissed only based on transparent criteria in place;	(g) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management may be dismissed only based on transparent criteria in place;	(g) the members of the board of the regulatory authority or, in the absence of a board, the regulatory authority's top management may be dismissed only based on transparent criteria in place;	
Article 70(5), first subparagraph, point (h)				
868	(h) Member States may provide for the ex-post control of the regulatory authorities' annual	(h) Member States may provide for the ex-post control of the regulatory authorities' annual	(h) Member States may provide for the ex-post control of the regulatory authorities' annual	

PUBLIC

	accounts by an independent auditor.	accounts by an independent auditor.	accounts by an independent auditor.	
Article 70(5), second subparagraph				
869	In regard to the first subparagraph, point (d), Member States shall ensure an appropriate rotation scheme for the board or the top management. The members of the board or, in the absence of a board, members of the top management may be relieved from office during their term only if they no longer fulfil the conditions set out in this Article or have been guilty of misconduct under national law.	In regard to the first subparagraph, point (d), Member States shall ensure an appropriate rotation scheme for the board or the top management. The members of the board or, in the absence of a board, members of the top management may be relieved from office during their term only if they no longer fulfil the conditions set out in this Article or have been guilty of misconduct under national law.	In regard to the first subparagraph, point (d), Member States shall ensure an appropriate rotation scheme for the board or the top management. The members of the board or, in the absence of a board, members of the top management may be relieved from office during their term only if they no longer fulfil the conditions set out in this Article or have been guilty of misconduct under national law.	
Article 70(6)				
870	6. By 5 July 2022 and every four years thereafter, the Commission shall submit a report to the European Parliament and the Council on the compliance of national authorities with the principle of independence set out in this Article.	6. By 5 July 2022 and every four years thereafter, the Commission shall submit a report to the European Parliament and ***to*** the Council on the compliance of national authorities with the principle of independence set out in this Article. ***The reports shall analyse any non-compliance and shall provide recommendations for resolution. The Commission***	6. By 5 July 2022 and every four years thereafter, the Commission shall submit a report to the European Parliament and the Council on the compliance of national authorities with the principle of independence set out in this Article.	Uphold Council version

PUBLIC

		shall make those reports publicly available. ***Article 71***		
Article 71				
871	Article 71 General objectives of the regulatory authority	Article 71 General objectives of the regulatory authority	Article 71 General objectives of the regulatory authority	
Article 71, first paragraph				
872	In carrying out the regulatory tasks specified in this Directive, the regulatory authority shall take all reasonable measures in pursuit of the following objectives within the framework of their duties and powers as laid down in Article 72, in close consultation with other relevant national authorities, including competition authorities and authorities from neighbouring countries, including third countries, as appropriate, and without prejudice to their competencies:	In carrying out the regulatory tasks specified in this Directive, the regulatory authority shall take all reasonable measures in pursuit of the following objectives within the framework of their duties and powers as laid down in Article 72, in close consultation with other relevant national authorities, including competition authorities and authorities from neighbouring countries, including third countries, as appropriate, and without prejudice to their competencies:	In carrying out the regulatory tasks specified in this Directive, the regulatory authority shall take all reasonable measures in pursuit of the following objectives within the framework of their duties and powers as laid down in Article 72, in close consultation with other relevant national authorities, including competition authorities and authorities from neighbouring countries, including third countries, as appropriate, and without prejudice to their competencies:	
Article 71, first paragraph, point (a)				
873	(a) promoting, in close cooperation with regulatory	(a) promoting, in close cooperation with regulatory	(a) promoting, in close cooperation with regulatory	

PUBLIC

	authorities of other Member States, the Commission and ACER, a competitive, flexible, secure and environmentally sustainable internal market in natural gas, renewable and low-carbon gases and hydrogen within the Union, and ensuring appropriate conditions for the effective and reliable operation of natural gas and hydrogen networks, taking into account long-term objectives, thus contributing to the consistent, efficient and effective application of Union law in order to achieve the Union's climate and energy goals;	authorities of other Member States, the Commission and ACER, a competitive, flexible, secure and environmentally sustainable internal market in natural gas, renewable ***gas*** and low-carbon ***gas*** and hydrogen within the Union, and ensuring appropriate conditions for the effective and reliable operation of natural gas and hydrogen networks, taking into account long-term objectives, thus contributing to the consistent, efficient and effective application of Union law in order to achieve the Union's climate and energy goals;	authorities of other Member States, the Commission and ACER, a competitive, flexible, secure and environmentally sustainable internal market in natural gas, renewable and low-carbon gases and hydrogen within the Union, and ensuring appropriate conditions for the effective and reliable operation of natural gas and hydrogen networks **and advancing energy system integration**, taking into account long-term objectives, thus contributing to the consistent, efficient and effective application of Union law in order to achieve the Union's climate and energy goals;	
Article 71, first paragraph, point (b)				
874	(b) developing competitive and properly functioning regional cross-border markets within the Union in view of the achievement of the objectives referred to in point (a);	(b) developing competitive and properly functioning regional cross-border markets within the Union in view of the achievement of the objectives referred to in point (a);	(b) developing competitive and properly functioning regional cross-border markets within the Union in view of the achievement of the objectives referred to in point (a);	
Article 71, first paragraph, point (c)				
875	(c) eliminating restrictions on trade in natural gas and hydrogen	(c) eliminating restrictions on trade in natural gas and hydrogen	(c) eliminating restrictions on trade in natural gas and hydrogen	

	between Member States, including eliminating restrictions due to differences in the quality of gases or differences in the volume of hydrogen blended into the natural gas system or to differences in the quality of hydrogen in the hydrogen system, developing appropriate cross-border transmission and/or transport capacities to meet demand and enhancing the integration of national markets ensuring the interoperability of the interconnected EU natural gas system or Union hydrogen system, which may facilitate natural gas flow across the Union;	between Member States, including eliminating restrictions due to differences in the quality of ***gas*** or differences in the volume of hydrogen blended into the natural gas system or to differences in the quality of hydrogen in the hydrogen system, developing appropriate cross-border transmission and/or transport capacities to meet demand and enhancing the integration of national markets ensuring the interoperability of the interconnected EU natural gas system or Union hydrogen system, which may facilitate natural gas flow across the Union;	between Member States, including eliminating restrictions due to differences in the quality of gases or differences in the volume of hydrogen blended into the natural gas system or to differences in the quality of hydrogen in the hydrogen system, developing appropriate cross-border transmission and/or transport capacities to meet demand and enhancing the integration of national markets ensuring the interoperability of the interconnected EU natural gas system or Union hydrogen system, which may facilitate natural gas flow across the Union;	
Article 71, first paragraph, point (d)				
876	(d) helping to achieve, in the most cost-effective way, the development of secure, reliable and efficient non-discriminatory systems that are consumer oriented, and promoting system adequacy and, in accordance with general energy and climate policy objectives, energy efficiency as well as the integration of large and small scale production of gas from renewable sources and distributed production in both transmission	(d) helping to achieve, in the most cost-effective way, the development of secure, reliable and efficient non-discriminatory systems that are consumer oriented, and promoting system adequacy and, in accordance with general energy and climate policy objectives, energy efficiency as well as the integration of large and small scale production of gas from renewable sources and distributed production in both transmission	(d) helping to achieve, in **application of the energy efficiency first principle, in** the most cost-effective way, the development of secure, reliable and efficient non-discriminatory systems that are consumer oriented, and promoting system adequacy and, in accordance with general energy and climate policy objectives, energy efficiency as well as the integration of large and small scale production of gas from	

	and distribution networks and facilitating their operation in relation to other energy networks of electricity and heat;	and distribution networks and facilitating their operation in relation to other energy networks of electricity and heat;	renewable sources and distributed production in both transmission and distribution networks and facilitating their operation in relation to other energy networks of electricity and heat;	
Article 71, first paragraph, point (e)				
877	(e) facilitating access to the network for new production capacity, in particular removing barriers that could prevent access for new market entrants and of gas and hydrogen from renewable sources;	(e) facilitating ***connection and*** access to the network for new production capacity, in particular removing barriers that could prevent ***connection and*** access for new market entrants and of gas and hydrogen from renewable sources;	(e) facilitating access to the network for new production capacity, in particular removing barriers that could prevent access for new market entrants and of gas and hydrogen from renewable sources;	
Article 71, first paragraph, point (f)				
878	(f) ensuring that system operators and system users are granted appropriate incentives, in both the short and the long term, to increase efficiencies, especially energy efficiency, in system performance and foster market integration;	(f) ensuring that system operators and system users are granted appropriate incentives, in both the short and the long term, to increase efficiencies, especially energy efficiency, in system performance and foster market integration;	(f) ensuring that system operators and system users are granted appropriate incentives, in both the short and the long term, to increase efficiencies, especially energy efficiency, in system performance and foster market integration;	
Article 71, first paragraph, point (g)				
879				

PUBLIC

	(g) ensuring that customers benefit through the efficient functioning of their national market, promoting effective competition and helping to ensure consumer protection in close cooperation with relevant consumer protection authorities;	(g) ensuring that customers benefit through the efficient functioning of their national market, promoting effective competition and helping to ensure ***a high level of*** consumer protection in close cooperation with relevant consumer protection authorities;	(g) ensuring that customers benefit through the efficient functioning of their national market, promoting effective competition and helping to ensure consumer protection in close cooperation with relevant consumer protection authorities;	
879a		***(ga) where cross-sectoral issues arise, clarifying competencies among regulators and authorities and ensuring that solutions are cost-efficient;***		Reject amendment : it is not to the regulatory authorities to selfauthorise additional competencies
Article 71, first paragraph, point (h)				
880	(h) helping to achieve high standards of public service for natural gas, contributing to the protection of vulnerable customers and contributing to the compatibility of necessary data exchange processes for customer switching.	(h) helping to achieve high standards of public service for natural gas, contributing to the protection of vulnerable customers and contributing to the compatibility of necessary data exchange processes for customer switching.	(h) helping to achieve high standards of public service for natural gas, contributing to the protection of vulnerable customers and contributing to the compatibility of necessary data exchange processes for customer switching.	
880a				

		(ha) ensuring that customers are granted instruments to submit complaints in the case of supply disruptions of natural gas and hydrogen.		Reject amendment : it is not to the regulatory authorities to selfauthorise additional competencies
Article 72				
881	Article 72 Duties and powers of the regulatory authority	Article 72 Duties and powers of the regulatory authority	Article 72 Duties and powers of the regulatory authority	Uphold comprehensive Council wording throughout the Article : Council amendments. EP proposals are either already included or overly prescriptive (espec. lines 904ff).
Article 72(1)				
882	1. The regulatory authority shall have the following duties:	1. The regulatory authority shall have the following duties:	1. The regulatory authority shall have the following duties:	
Article 72(1), point (a)				
883	(a) fixing or approving, in accordance with transparent criteria, transmission or distribution tariffs or their methodologies, or both;	(a) fixing or approving, in accordance with transparent criteria, transmission or distribution tariffs or their methodologies, or both ***and publishing such tariffs or methodologies together with the relevant assumptions***;	(a) fixing or approving, in accordance with transparent criteria, transmission or distribution tariffs or their methodologies, or both;	

PUBLIC

883a		***(aa) fixing or approving, in accordance with transparent criteria, including depreciation, tariff rules;***		
883b		***(ab) participating in drafting the joint scenario framework for the ten-year network development plan in accordance with Article 51(2), point (e);***		
Article 72(1), point (b)				
884	(b) as of 1 January 2031 or as from the date of applying Article 31(1) of this Directive, fixing or approving, in accordance with transparent criteria, tariffs for hydrogen network access or their methodologies, or both;	(b) as of 1 January 2031 or as from the date of applying Article 31(1) ▌ , fixing or approving, in accordance with transparent criteria, tariffs for hydrogen network access or their methodologies, or both***, and publishing those tariffs or methodologies together with the relevant assumptions***;	(b) as of 1 January ~~2031~~ **2036** or as from the date of ~~applying~~**application of** Article 31(1) of this Directive, fixing or approving, in accordance with transparent criteria, tariffs for hydrogen network access or their methodologies, or both;	
Article 72(1), point (c)				
885	(c) fixing or approving, in accordance with transparent criteria (i) the size and duration of	(c) fixing or approving, in accordance with transparent criteria (i) the size and duration of	(c) fixing or approving, in accordance with transparent criteria**:**	

PUBLIC

	the dedicated charge referred in Article 4 of [recast Gas Regulation as proposed in COM(2021) xxx] or their methodologies or both (ii) the value of transferred assets and the destination of any profits and losses that may occur as a result and (iii) the allocating contributions to the dedicated charge;	the dedicated charge referred in Article 4 of [recast Gas Regulation as proposed in COM(2021) xxx] or their methodologies**,** or both (ii) the value of transferred assets and the destination of any profits and losses that may occur as a result and (iii) the allocating contributions to the dedicated charge;	(i) the size and duration of the dedicated charge referred in Article 4 of [recast Gas Regulation as proposed in COM(2021) ~~xxx~~ **804**] or their methodologies or both (ii) the value of transferred assets and the destination of any profits and losses that may occur as a result and (iii) the allocating contributions to the dedicated charge;	
Article 72(1), point (d)				
886	(d) ensuring compliance of transmission system operators and distribution system operators, and where relevant, system owners, hydrogen network operators as well as of any natural gas and hydrogen undertakings and other market participants, including citizen energy communities, with their obligations under this Directive, [the recast Gas Regulation as proposed in COM(2021) xxx],the network codes and guidelines adopted pursuant Article 52 and 53 of Gas Regulation, Regulation (EU) 2017/1938 and other relevant Union legislation, including as	(d) ensuring compliance of transmission system operators and distribution system operators, and where relevant, system owners, hydrogen network operators as well as of any natural gas ***nd*** hydrogen undertakings and other market participants, ▌ with their obligations under this Directive, [the recast Gas Regulation as proposed in COM(2021) xxx], the network codes and guidelines adopted pursuant Article 52 and 53 of Gas Regulation, Regulation (EU) 2017/1938 and other relevant Union ***law***, including as regards cross-border issues, as well as ACER's decisions;	(d) ensuring compliance of transmission system operators and distribution system operators, and where relevant, system owners, hydrogen network operators as well as of any natural gas and hydrogen undertakings and other market participants, including citizen energy communities, with their obligations under this Directive, [the recast Gas Regulation as proposed in COM(2021) ~~xxx~~ **804**],the network codes and guidelines adopted pursuant Article 52 and 53 of Gas Regulation, Regulation (EU) 2017/1938 and other relevant Union legislation, including as	

	regards cross-border issues, as well as ACER's decisions;		regards cross-border issues, as well as ACER's decisions;	
Article 72(1), point (e)				
887	(e) in close coordination with the other regulatory authorities, ensuring the compliance of the ENTSO for Gas, the EU DSO entity and the ENNOH with their obligations under this Directive [recast Gas Regulation as proposed in COM(2021) xxx], the network codes and guidelines adopted pursuant to Articles 52 to 56 of [the recast Gas Regulation proposed in COM(2021) xxx], and other relevant Union law, including as regards cross-border issues, as well as with ACER's decisions, and jointly identifying non-compliance of the ENTSO for Gas, the EU DSO entity and the ENNOH with their respective obligations; where the regulatory authorities have not been able to reach an agreement within a period of four months after the start of consultations for the purpose of jointly identifying non-compliance, the matter shall be referred to the ACER for a decision, pursuant to Article 6(10) of Regulation (EU) 2019/942;	(e) in close coordination with the other regulatory authorities, ensuring the compliance of the ENTSO for Gas, the EU DSO entity and the ENNOH with their obligations under this Directive [recast Gas Regulation as proposed in COM(2021) xxx], the network codes and guidelines adopted pursuant to Articles 52 to 56 of [the recast Gas Regulation proposed in COM(2021) xxx], and other relevant Union law, including as regards cross-border issues, as well as with ACER's decisions, and jointly identifying non-compliance of the ENTSO for Gas, the EU DSO entity and the ENNOH with their respective obligations; where the regulatory authorities have not been able to reach an agreement within a period of four months after the start of consultations for the purpose of jointly identifying non-compliance, the matter shall be referred to the ACER for a decision, pursuant to Article 6(10) of Regulation (EU) 2019/942;	(e) in close coordination with the other regulatory authorities, ensuring the compliance of the ENTSO for Gas, the EU DSO entity and the ENNOH with their obligations under this Directive [recast Gas Regulation as proposed in COM(2021) ~~xxx~~ **804**], the network codes and guidelines adopted pursuant to Articles 52 to 56 of [the recast Gas Regulation proposed in COM(2021) ~~xxx~~ **804**], and other relevant Union law, including as regards cross-border issues, as well as with ACER's decisions, and jointly identifying non-compliance of the ENTSO for Gas, the EU DSO entity and the ENNOH with their respective obligations; where the regulatory authorities have not been able to reach an agreement within a period of four months after the start of consultations for the purpose of jointly identifying non-compliance, the matter shall be referred to the ACER for a	

PUBLIC

			decision, pursuant to Article 6(10) of Regulation (EU) 2019/942;	
Article 72(1), point (f)				
888	(f) monitoring the development of gas qualities and gas quality management by transmission system operators and where relevant by distribution system operators, including monitoring the development of costs related to the management of gas quality by system operators and the developments related to the blending of hydrogen into the natural gas system.	(f) monitoring the development of gas qualities and gas quality management by transmission system operators and where relevant by distribution system operators, including monitoring the development of costs related to the management of gas quality by system operators and the developments related to the blending of hydrogen into the natural gas system***;***	(f) monitoring the development of gas qualities and gas quality management by transmission system operators and where relevant by distribution system operators, including monitoring the development of costs related to the management of gas quality by system operators and the developments related to the blending **and deblending** of hydrogen into the natural gas system. **If in a Member State another competent authority is already mandated with collecting this information, the competent authority shall share this information with the regulatory authority.**	
Article 72(1), point (g)				
889	(g) monitoring the development of hydrogen quality and hydrogen quality management by hydrogen network operators where relevant as referred to in Article 46, including monitoring the	(g) monitoring the development of hydrogen quality and hydrogen quality management by hydrogen network operators where relevant as referred to in Article 46, including monitoring the	(g) monitoring the development of hydrogen quality and hydrogen quality management by hydrogen network operators where relevant as referred to in Article 46, including monitoring the	

PUBLIC

	development of costs related to the management of hydrogen quality.	development of costs related to the management of hydrogen quality***;***	development of costs related to the management of hydrogen quality.	
Article 72(1), point (h)				
890	(h) examining and providing an assessment of the overview submitted by hydrogen network operators on the development of hydrogen transport infrastructure in accordance with Article 52, taking the overall energy-economic necessity of the hydrogen network into account in this examination as well as the joint scenario framework under the Article 51 (2), point (e) on network development planning;	(h) ▌	(h) examining and providing an assessment of the overview **as well as providing an opinion and recommending amendments on the report** submitted by hydrogen network operators on the development of hydrogen transport infrastructure in accordance with Article 52, taking the overall energy-economic necessity of the hydrogen network into account in this examination as well as the joint scenario framework under the Article 51 (2), point (e) on network development planning **and the Union-wide ten-year network development plan for hydrogen as set out in Article 43 of [recast Gas Regulation]**;	
Article 72(1), point (i)				
891	(i) taking the examination and assessment of the overview of the development of the hydrogen transport infrastructure as requested under point (h) into	(i) taking the examination and assessment of the overview of the development of the hydrogen transport infrastructure as requested under point ***(ee)*** into	(i) taking the examination and assessment of the overview of the development of the hydrogen transport infrastructure as requested under point (h) into	

PUBLIC

	account in its approval of dedicated charges within the meaning of Article 4 of [recast Gas Regulation as proposed in COM(2021) xxx].	account in its approval of dedicated charges within the meaning of Article 4 of [recast Gas Regulation as proposed in COM(2021) xxx]**;**	account in its approval of dedicated charges within the meaning of Article 4 of [recast Gas Regulation as proposed in COM(2021) ~~xxx~~ **804**].	
Article 72(1), point (j)				
892	(j) cooperating with regard to cross-border issues with the regulatory authority or authorities of the Member States concerned and with the ACER, in particular through participation in the work of ACER's Board of Regulators pursuant to Article 21 of Regulation (EU) 2019/942 In respect of infrastructure to and from a third country, the regulatory authority of the Member State where the first interconnection point with the Member States' network is located may cooperate with the relevant authorities of the third country, including those of the Energy Community Contracting Parties, after consulting the regulatory authorities of other Member States concerned, aiming at, as regards that infrastructure, consistent application of this Directive in the territory of the Member States;	(j) cooperating with regard to cross-border issues with the regulatory authority or authorities of the Member States concerned and with the ACER, in particular through participation in the work of ACER's Board of Regulators pursuant to Article 21 of Regulation (EU) 2019/942**.** In respect of infrastructure to and from a third country, the regulatory authority of the Member State where the first interconnection point with the Member States' network is located may cooperate with the relevant authorities of the third country, including those of the Energy Community Contracting Parties, after consulting the regulatory authorities of other Member States concerned, aiming at, as regards that infrastructure, consistent application of this Directive in the territory of the Member States;	(j) cooperating with regard to cross-border issues with the regulatory authority or authorities of the Member States concerned and with the ACER, in particular through participation in the work of ACER's Board of Regulators pursuant to Article 21 of Regulation (EU) 2019/942 In respect of infrastructure to and from a third country, the regulatory authority of the Member State where the first interconnection point with the Member States' network is located may cooperate with the relevant authorities of the third country, including those of the Energy Community Contracting Parties, after consulting the regulatory authorities of other Member States concerned, aiming at, as regards that infrastructure, consistent application of this Directive in the territory of the Member States;	

PUBLIC

892a		***(ja) ensuring an independent decision-making process, including the consultation of relevant stakeholder in an open, inclusive and transparent manner in accordance with Article 51(8a);***		
Article 72(1), point (k)				
893	(k) complying with, and implementing, any relevant legally binding decisions of ACER and of the Commission;	(k) complying with, and implementing, any relevant legally binding decisions of ACER and of the Commission;	(k) complying with, and implementing, any relevant legally binding decisions of ACER and of the Commission;	
Article 72(1), point (l)				
894	(l) reporting annually on its activity and the fulfilment of its duties to the relevant authorities of the Member States, ACER and the Commission. Such reports shall cover the steps taken and the results obtained as regards each of the tasks listed in this Article;	(l) reporting annually on its activity and the fulfilment of its duties to the relevant authorities of the Member States, ACER and the Commission. Such reports shall cover the steps taken and the results obtained as regards each of the tasks listed in this Article;	(l) reporting annually on its activity and the fulfilment of its duties to the relevant authorities of the Member States, ACER and the Commission. Such reports shall cover the steps taken and the results obtained as regards each of the tasks listed in this Article;	
Article 72(1), point (m)				
895	(m) ensuring that there are no cross-subsidies between	(m) ensuring that there are no cross-subsidies between	(m) ensuring that there are no cross-subsidies between	

PUBLIC

	transmission, distribution, hydrogen transport, natural gas and hydrogen storage, LNG and hydrogen terminals and natural gas and hydrogen supply activities;	transmission, distribution, hydrogen transport, natural gas and hydrogen storage, LNG and hydrogen terminals and natural gas and hydrogen supply activities;	transmission, distribution, hydrogen transport, natural gas and hydrogen storage, LNG and hydrogen terminals and natural gas and hydrogen supply activities **unless otherwise provided by Union law**;	
895a		***(ma) monitoring and issuing a report on the unbundling of accounts in accordance with Article 69 where a hydrogen network operator is part of an undertaking active in transmission or distribution of natural gas or electricity, with a specific focus as regards the assets transferred or reused from natural gas accounts to hydrogen accounts and the work, including repurposing, carried out for the purpose of such a transfer, making that report publicly available while preserving the confidentiality of commercially sensitive information and data protection as well as security of the energy infrastructure;***		
Article 72(1), point (n)				
896				

PUBLIC

	(n) monitoring investment plans of the transmission system operators, and providing in its annual report an assessment of the investment plans of the transmission system operators as regards their consistency with the Union -wide network development plan referred to in point (x) of Article 29 of [recast Gas Regulation as proposed in COM(2021) xxx]; such assessment may include recommendations to amend those investment plans;	(n) monitoring investment plans of the transmission system operators ***and hydrogen network operators***, and providing in its annual report an assessment of the investment plans of the transmission system operators ***and hydrogen network operators*** as regards their consistency with the Union -wide network development plan referred to in ▌ Article 29 of [recast Gas Regulation as proposed in COM(2021) xxx]; such assessment may include recommendations to amend those investment plans;	(n) monitoring investment plans of the transmission system operators, and providing in its annual report an assessment of the investment plans of the transmission system operators as regards their consistency with the Union -wide network development plan referred to in point (x) of Article 29 of [recast Gas Regulation as proposed in COM(2021) **804]** ~~xxx]~~; such assessment may include recommendations to amend those investment plans;	
Article 72(1), point (o)				
897	(o) monitoring compliance with and reviewing the past performance of network security and reliability rules and setting or approving standards and requirements for quality of service and supply or contributing thereto together with other competent authorities;	(o) monitoring compliance with and reviewing the past performance of network security and reliability rules and setting or approving standards and requirements for quality of service and supply or contributing thereto together with other competent authorities;	(o) monitoring compliance with and reviewing the past performance of network security and reliability rules and setting or approving standards and requirements for quality of service and supply or contributing thereto together with other competent authorities;	
Article 72(1), point (p)				
898	(p) monitoring the level of transparency, including of	(p) monitoring the level of transparency, including of	(p) monitoring the level of transparency, including of	

	wholesale prices, and ensuring compliance of natural gas and hydrogen undertakings with transparency obligations;	wholesale prices, and ensuring compliance of natural gas and hydrogen undertakings with transparency obligations;	wholesale prices, and ensuring compliance of natural gas and hydrogen undertakings with transparency obligations;	
Article 72(1), point (q)				
899	(q) monitoring the level and effectiveness of market opening and competition at wholesale and retail levels, including on natural gas and hydrogen exchanges, prices for household customers including prepayment systems, switching rates, disconnection rates, charges for and the execution of maintenance services and complaints by household customers, as well as any distortion or restriction of competition, including providing any relevant information, and bringing any relevant cases to the relevant competition authorities;	(q) ***actively*** monitoring the level and effectiveness of market opening and competition at wholesale and retail levels, including on natural gas and hydrogen exchanges, prices for household customers including prepayment systems, ***price spikes and their impact on retail and consumer prices, the relationship between household prices and wholesale prices, how network costs and policy levies are passed through to customers, the evolution of supplier operational costs and margins across different final customer groups, the number of tariffs available to different customer groups, number of offers restricted to different sale channels, number of customers on bundled contracts, satisfaction with the service provided by their supplier and complaint handling services,*** switching rates ***and switching times, including gas switches***,	(q) monitoring the level and effectiveness of market opening and competition at wholesale and retail levels, including on natural gas and hydrogen exchanges, prices for household customers including prepayment systems, switching rates, disconnection rates, charges for and the execution of maintenance services and complaints by household customers, as well as any distortion or restriction of competition, including providing any relevant information, and bringing any relevant cases to the relevant competition authorities;	

PUBLIC

		disconnection rates, charges for and the execution of maintenance services***, the number of disconnections and the reasons for such disconnections and customers in debt, in particular with regard to vulnerable customers and customers who are affected by or at risk of energy poverty,*** and complaints by household customers, as well as any distortion or restriction of competition, including providing any relevant information, and bringing any relevant cases to the relevant competition ***or consumer protection*** authorities***, the share of energy efficiency measures under Article 8 of Directive (EU) .../... implemented as a priority in households affected by or at risk of energy poverty and living in social housing***;	PUBLIC	
Article 72(1), point (r)				
900	(r) monitoring the occurrence of restrictive contractual practices, including exclusivity clauses which may prevent large non-household customers from contracting simultaneously with more than one supplier or restrict their choice to do so, and, where	(r) monitoring the occurrence of restrictive contractual practices, including exclusivity clauses which may prevent large non-household customers from contracting simultaneously with more than one supplier or restrict their choice to do so, and, where	(r) monitoring the occurrence of restrictive contractual practices, including exclusivity clauses which may prevent large non-household customers from contracting simultaneously with more than one supplier or restrict their choice to do so, and, where	

	appropriate, informing the national competition authorities of such practices;	appropriate, informing the national competition authorities of such practices;	appropriate, informing the national competition authorities of such practices;	
Article 72(1), point (s)				
901	(s) respecting contractual freedom with regard to long-term contracts provided that they are compatible with Union law and consistent with Union policies and provided they contribute to decarbonisation objectives. No long-term contracts for supply of unabated fossil gas shall be concluded with a duration beyond the end of year 2049;	(s) respecting contractual freedom with regard to ***long-term supply and capacity contracts, including hydrogen long-term contracts and hydrogen purchase agreements*** ▌ provided that they are compatible with Union law and consistent with Union policies and provided they contribute to decarbonisation objectives ▌ ;	(s) respecting contractual freedom with regard to long-term contracts provided that they are compatible with Union law and consistent with Union policies and provided they contribute to decarbonisation objectives. No long-term contracts for supply of unabated fossil gas shall be concluded with a duration beyond the end of year 2049;	
Article 72(1), point (t)				
902	(t) monitoring the time taken by natural gas transmission and distribution system operators or hydrogen network operators to make connections and repairs;	(t) monitoring the time taken by natural gas transmission and distribution system operators or hydrogen network operators ***to assess network connection requests by renewable gas producers, including technical studies, and*** to make connections and repairs ***for renewable gas producers and end-users***;	(t) monitoring the time taken by natural gas transmission and distribution system operators or hydrogen network operators to make connections and repairs;	
Article 72(1), point (u)				
903				

PUBLIC

	(u) monitoring and reviewing the access conditions to storage, linepack and other ancillary services as provided for in Article 29 or Article 33. In the event that the access regime to natural gas storage is defined according to Article 29 (3), that task shall exclude the reviewing of tariffs;	(u) monitoring and reviewing the access conditions to storage, linepack and other ancillary services as provided for in Article 29 or ▌ 33. In the event that the access regime to natural gas storage is defined ***pursuant*** to Article ***29(3)***, that task shall exclude the reviewing of tariffs;	(u) monitoring and reviewing the access conditions to storage, linepack and other ancillary services as provided for in Article 29 or Article 33. In the event that the access regime to natural gas storage is defined according to Article 29 (3), that task shall exclude the reviewing of tariffs;	
Article 72(1), point (v)				
904	(v) helping to ensure, together with other relevant authorities, that the consumer protection measures, including those set out in Annex I, are effective and enforced;	(v) ***ensuring***, together with other relevant authorities, that the consumer protection measures, including those set out in Annex I, are effective and enforced ***through proper monitoring and reporting, such monitoring taking into account consumer interests and, in particular, assessing:***	(v) helping to ensure, together with other relevant authorities, that the consumer protection measures, including those set out in Annex I, are effective and enforced;	
904a		***(i) the level of debt, in particular with regard to vulnerable customers and customers affected by or at risk of energy poverty, the barriers for customers to exercise their rights, including access to information on out-of-court dispute settlement mechanism, the availability and access to***		

		information with regard to energy offers, and possibility to compare energy offers by using certified comparison tools;		
904b		***(ii) the existence of misleading practices and offers;***		
904c		***(iii) the existence of barriers for customers to exercise their rights such as switching, termination of contract, and access to out-of-court dispute settlement mechanism;***		
904d		***(iv) the existence of measures to promote energy savings and renewable energy deployment for household customers affected by energy poverty, and in particular by assessing the effectiveness of measures under Article 25;***		
904e				

PUBLIC

		(va) set minimum binding requirements for offers to be labelled as 'green tariffs', based on the ability of suppliers to substantiate the additionality of the contract by showing how consumers' money is used to increase installed capacity of sustainable renewable energy beyond what would otherwise be installed;	PUBLIC	
Article 72(1), point (w)				
905	(w) publishing recommendations, at least annually, in relation to compliance of supply prices with Article 6, and providing those to the competition authorities, where appropriate;	(w) publishing recommendations, at least annually, in relation to compliance of supply prices with Article 6, and providing those to the competition authorities, where appropriate;	(w) publishing recommendations, at least annually, in relation to compliance of supply prices with Article 6, and providing those to the competition authorities, where appropriate;	
Article 72(1), point (x)				
906	(x) ensuring non-discriminatory access to customer consumption data, the provision for optional use, of an easily understandable harmonised format at national level for consumption data and prompt access for all customers to such data pursuant Articles 22 and 23;	(x) ensuring non-discriminatory access to customer consumption data, the provision for optional use, of an easily understandable harmonised format at national level for consumption data and prompt access for all customers to such data pursuant Articles 22 and 23;	(x) ensuring non-discriminatory access to customer consumption data, the provision for optional use, of an easily understandable harmonised format at national level for consumption data and prompt access for all customers to such data pursuant Articles 22 and 23 ;	

Article 72(1), point (y)				
907	(y) monitoring the implementation of rules relating to the roles and responsibilities of transmission system operators, distribution system operators, hydrogen network operators, suppliers and customers and other market parties pursuant to [recast Gas Regulation as proposed in COM(2021) xxx];	(y) monitoring the ***strict*** implementation of rules relating to the roles and responsibilities of transmission system operators, distribution system operators, hydrogen network operators, suppliers and customers and other market parties pursuant to [recast Gas Regulation as proposed in COM(2021) xxx]***, including rules requiring network operators to maintain separate regulatory asset base for gas, electricity and hydrogen assets and ensuring that financial transfers between different regulatory asset bases do not take place***;	(y) monitoring the implementation of rules relating to the roles and responsibilities of transmission system operators, distribution system operators, hydrogen network operators, suppliers and customers and other market parties pursuant to [recast Gas Regulation as proposed in COM(2021) ~~xxx~~ **804**];	
Article 72(1), point (z)				
908	(z) monitoring the correct application of the criteria that determine whether a natural gas storage facility falls under Article 29 (3) or (4); and	(z) monitoring the correct application of the criteria that determine whether a natural gas storage facility falls under Article ***29(3) or (4);***	(z) monitoring the correct application of the criteria that determine whether a natural gas storage facility falls under Article 29 (3) or (4); and	
Article 72(1), point (aa)				
909	(aa) monitoring the implementation of safeguards	(aa) monitoring the implementation of safeguards	(aa) monitoring the implementation of safeguards	

	measures as referred to in Article 77;	measures as referred to in Article 77;	measures as referred to in Article 77;	
Article 72(1), point (bb)				
910	(bb) contributing to the compatibility of data exchanges processes for the most important market processes at regional level;	(bb) contributing to the compatibility of data exchanges processes for the most important market processes at regional level;	(bb) contributing to the compatibility of data exchanges processes for the most important market processes at regional level;	
Article 72(1), point (cc)				
911	(cc) implementing the network codes and guidelines adopted pursuant Article 52 through national measures or, where so required, coordinated regional or Union-wide measures;	(cc) implementing the network codes and guidelines adopted pursuant Article 52 through national measures or, where so required, coordinated regional or Union-wide measures;	(cc) implementing the network codes and guidelines adopted pursuant Article 52 **of the [recast Gas Regulation]** through national measures or, where so required, coordinated regional or Union-wide measures;	
Article 72(1), point (dd)				
912	(dd) ensuring a transparent and efficient process for the setting up of the national network development plan in line with the requirements set out in Articles 51 and 52;	(dd) ensuring ***an open,*** transparent***, efficient and inclusive*** process for the setting up of the national network development plan in line with the requirements set out in Articles 51 ***and of the distribution network plan in line with the requirements set out in Article 52b***;	(dd) ensuring a transparent and efficient process for the setting up of the national network development plan in line with the requirements set out in Articles 51 and 52;	

PUBLIC

Article 72(1), point (ee)				
913	(ee) approving and amending the network development plan;	(ee) approving***, amending or requiring the transmission system operator or the hydrogen transmission operator to amend*** the network development ***plans as referred to in Article 51 and publish that decision, including a report***;	(ee) approving and amending the network development ~~plan~~**plans as referred to in Article 51, Article 52 (6) and Article 52 (7)**;	
913a		***(eea) approving, rejecting or requesting to amend the distribution network development plans as referred to in Article 52b and publish that decision, including a report;***		
913b		***(eeb) providing for the stakeholder consultations as set out in Article 51;***		
Article 72(1), point (ff)				
914	(ff) monitoring gas quality control and management by transmission system operators, distribution system operators, storage system	(ff) monitoring gas quality control and management by transmission system operators, distribution system operators, storage system	(ff) ~~monitoring gas quality control and management by transmission system operators, distribution system operators, storage system~~	

PUBLIC

	operators and LNG facility operators;	operators and LNG facility operators;	~~operators and LNG facility operators;~~	
Article 72(1), point (gg)				
915	(gg) monitoring the implementation of the measures taken in emergency state, as provided for in Regulation (EU) 2017/1938 and laid down in the national emergency plan, including solidarity measures under its Article 13;	(gg) monitoring the implementation of the measures taken in emergency state, as provided for in Regulation (EU) 2017/1938 and laid down in the national emergency plan, including solidarity measures under its Article 13;	(gg) ~~monitoring the implementation of the measures taken in emergency state, as provided for in Regulation (EU) 2017/1938 and laid down in the national emergency plan, including solidarity measures under its Article 13;~~	
Article 72(1), point (hh)				
916	(hh) monitoring the availability of comparison websites, including comparison tools that fulfil the criteria in Article 12;	(hh) monitoring the availability of comparison websites, including comparison tools that fulfil the criteria in Article 12;	(hh) monitoring the availability of comparison websites, including comparison tools that fulfil the criteria in Article 12;	
Article 72(1), point (ii)				
917	(ii) monitoring the removal of unjustified obstacles to and restrictions on the development of consumption of self-generated renewable natural gas and citizen energy communities.	(ii) monitoring the removal of unjustified obstacles to and restrictions on the development of consumption of self-generated renewable natural gas and ***renewable*** energy communities.	(ii) monitoring the removal of unjustified obstacles to and restrictions on the development of consumption of self-generated renewable natural gas and citizen energy communities.	
Article 72(2), first subparagraph				

PUBLIC

918	2. Where a Member State has so provided, the monitoring duties set out in paragraph 1 may be carried out by other authorities than the regulatory authority. In such a case, the information resulting from such monitoring shall be made available to the regulatory authority as soon as possible.	2. Where a Member State has so provided, the monitoring duties set out in paragraph 1 may be carried out by other authorities than the regulatory authority. In such a case, the information resulting from such monitoring shall be made available to the regulatory authority as soon as possible.	2. Where a Member State has so provided, the monitoring duties set out in paragraph 1 may be carried out by other authorities than the regulatory authority. In such a case, the information resulting from such monitoring shall be made available to the regulatory authority as soon as possible.	
Article 72(2), second subparagraph				
919	While preserving their independence, without prejudice to their own specific competencies and consistent with the principles of better regulation, the regulatory authority shall, as appropriate, consult natural gas transmission system and hydrogen network operators and, as appropriate, closely cooperate with other relevant national authorities when carrying out the duties set out in paragraph 1.	While preserving their independence, without prejudice to their own specific competencies and consistent with the principles of better regulation, the regulatory authority shall, as appropriate, consult natural gas transmission system and hydrogen network operators and, as appropriate, closely cooperate with other relevant national authorities when carrying out the duties set out in paragraph 1.	While preserving their independence, without prejudice to their own specific competencies and consistent with the principles of better regulation, the regulatory authority shall, as appropriate, consult natural gas transmission system and hydrogen network operators and, as appropriate, closely cooperate with other relevant national authorities when carrying out the duties set out in paragraph 1.	
Article 72(2), third subparagraph				
920	Any approvals given by a regulatory authority or the ACER under this Directive are without prejudice to any duly justified	Any approvals given by a regulatory authority or the ACER under this Directive are without prejudice to any duly justified	~~Any approvals given by a regulatory authority or the ACER under this Directive are without prejudice to any duly justified~~	

	future use of its powers by the regulatory authority under this Article or to any penalties imposed by other relevant authorities or the Commission.	future use of its powers by the regulatory authority under this Article or to any penalties imposed by other relevant authorities or the Commission.	~~future use of its powers by the regulatory authority under this Article or to any penalties imposed by other relevant authorities or the Commission.~~	
Article 72(3)				
921	3. In addition to the duties conferred upon it under paragraph 1 of this Article, when an independent system operator or an independent hydrogen network operator has been designated under Article 55 or Article 62, the regulatory authority shall:	3. In addition to the duties conferred upon it under paragraph 1 of this Article, when an independent system operator or an independent hydrogen network operator has been designated under Article 55 or Article 62, the regulatory authority shall:	3. In addition to the duties conferred upon it under paragraph 1 of this Article, when an independent system operator or an independent hydrogen network operator has been designated under Article 55 or Article 62, the regulatory authority shall:	
Article 72(3), point (a)				
922	(a) monitor the transmission system owner's and the independent system operator's and hydrogen network owner's and independent hydrogen network operator's compliance with their obligations under this Article, and issue penalties for non compliance in accordance with paragraph 4, point (d);	(a) monitor the transmission system owner's and the independent system operator's and hydrogen network owner's and independent hydrogen network operator's compliance with their obligations under this Article, and issue penalties for non compliance in accordance with paragraph 4, point (d);	(a) monitor the transmission system owner's and the independent system operator's and hydrogen network owner's and independent hydrogen network operator's compliance with their obligations under this Article, and issue penalties for non compliance in accordance with paragraph 4, point (d);	
Article 72(3), point (b)				
923				

PUBLIC

	(b) monitor the relations and communications between the independent system operator and the transmission system owner or the hydrogen network owner and the independent hydrogen network operator, so as to ensure compliance of the independent system operator or the independent hydrogen network operator with its obligations, and in particular approve contracts and act as a dispute settlement authority between the independent system operator and the transmission system owner or the hydrogen network owner and the independent hydrogen network operator in respect of any complaint submitted by either party pursuant to paragraph 11;	(b) monitor the relations and communications between the independent system operator and the transmission system owner or the hydrogen network owner and the independent hydrogen network operator, so as to ensure compliance of the independent system operator or the independent hydrogen network operator with its obligations, and in particular approve contracts and act as a dispute settlement authority between the independent system operator and the transmission system owner or the hydrogen network owner and the independent hydrogen network operator in respect of any complaint submitted by either party pursuant to paragraph 11;	(b) monitor the relations and communications between the independent system operator and the transmission system owner or the hydrogen network owner and the independent hydrogen network operator, so as to ensure compliance of the independent system operator or the independent hydrogen network operator with its obligations, and in particular approve contracts and act as a dispute settlement authority between the independent system operator and the transmission system owner or the hydrogen network owner and the independent hydrogen network operator in respect of any complaint submitted by either party pursuant to paragraph 11;	
Article 72(3), point (c)				
924	(c) without prejudice to the procedure under Article 55(2), point (c), for the first ten-year network development plan, approve the investments planning and the multi-annual network development plan presented annually by the independent system operator or the independent hydrogen network operator;	(c) without prejudice to the procedure under Article 55(2), point (c), for the first ten-year network development plan, approve the investments planning and the multi-annual network development plan presented annually by the independent system operator or the independent hydrogen network operator;	(c) without prejudice to the procedure under Article 55(2), point (c), for the first ten-year network development plan, approve the investments planning and the multi-annual network development plan presented annually by the independent system operator or the independent hydrogen network operator;	

Article 72(3), point (d)				
925	(d) ensure that network access tariffs collected by the independent system operator or the independent hydrogen network operator include remuneration for the network owner or network owners, which provides for adequate remuneration of the network assets and of any new investments made therein, provided they are economically and efficiently incurred;	(d) ensure that network access tariffs collected by the independent system operator or the independent hydrogen network operator include remuneration for the network owner or network owners, which provides for adequate remuneration of the network assets and of any new investments made therein, provided they are economically and efficiently incurred;	(d) ensure that network access tariffs collected by the independent system operator or the independent hydrogen network operator include remuneration for the network owner or network owners, which provides for adequate remuneration of the network assets and of any new investments made therein, provided they are economically and efficiently incurred;	
Article 72(3), point (e)				
926	(e) have the powers to carry out inspections, including unannounced inspections, at the premises of transmission system owner and independent system operator, or of the hydrogen network owner and the independent hydrogen network operator.	(e) have the powers to carry out inspections, including unannounced inspections, at the premises of transmission system owner and independent system operator, or of the hydrogen network owner and the independent hydrogen network operator.	(e) have the powers to carry out inspections, including unannounced inspections, at the premises of transmission system owner and independent system operator, or of the hydrogen network owner and the independent hydrogen network operator.	
Article 72(4)				
927	4. Member States shall ensure that regulatory authorities are granted	4. Member States shall ensure that regulatory authorities are granted	4. Member States shall ensure that regulatory authorities are granted	

PUBLIC

	the powers enabling them to carry out the duties referred to in paragraphs 1, 3 and 6 in an efficient and expeditious manner. For this purpose, the regulatory authority shall have at least the following powers:	the powers enabling them to carry out the duties referred to in paragraphs 1, 3 and 6 in an efficient and expeditious manner. For this purpose, the regulatory authority shall have at least the following powers:	the powers enabling them to carry out the duties referred to in paragraphs 1, 3 and 6 in an efficient and expeditious manner. For this purpose, the regulatory authority shall have at least the following powers:	
Article 72(4), point (a)				
928	(a) to issue binding decisions on natural gas and hydrogen undertakings;	(a) to issue binding decisions on natural gas and hydrogen undertakings;	(a) to issue binding decisions on natural gas and hydrogen undertakings;	
Article 72(4), point (b)				
929	(b) to carry out investigations into the functioning of the markets for gases, and to decide upon and impose any necessary and proportionate measures to promote effective competition and ensure the proper functioning of the markets for gases and, where appropriate, the regulatory authority shall also have the power to cooperate with the national competition authority and the financial market regulators or the Commission in conducting an investigation relating to competition law;	(b) to carry out investigations into the functioning of the markets for ***gas***, and to decide upon and impose any necessary and proportionate measures to promote effective competition and ensure the proper functioning of the markets ***for gas and*** where appropriate, the regulatory authority shall also have the power to cooperate with the national competition authority and the financial market regulators or the Commission in conducting an investigation relating to competition law;	(b) to carry out investigations into the functioning of the markets for gases, and to decide upon and impose any necessary and proportionate measures to promote effective competition and ensure the proper functioning of the markets for gases and, where appropriate, the regulatory authority shall also have the power to cooperate with the national competition authority and the financial market regulators or the Commission in conducting an investigation relating to competition law;	

PUBLIC

Article 72(4), point (c)				
930	(c) to require any information from natural gas and hydrogen undertakings relevant for the fulfilment of its tasks, including the justification for any refusal to grant third-party access, and any information on measures necessary to reinforce the network;	(c) to require any information from natural gas and hydrogen undertakings relevant for the fulfilment of its tasks, including the justification for any refusal to grant third-party access, and any information on measures necessary to reinforce the network;	(c) to require any information from natural gas and hydrogen undertakings relevant for the fulfilment of its tasks, including the justification for any refusal to grant third-party access, and any information on measures necessary to reinforce the network;	
Article 72(4), point (d)				
931	(d) to impose effective, proportionate and dissuasive penalties on natural gas and hydrogen undertakings not complying with their obligations under this Directive or any relevant legally binding decisions of the regulatory authority or of ACER, or to propose to a competent court to impose such penalties, including the power to impose or propose the imposition of penalties of up to 10 % of the annual turnover of the transmission system operator or hydrogen network operator or of up to 10 % of the annual turnover of the vertically integrated undertaking on the transmission system operator or hydrogen network operator or on the	(d) to impose effective, proportionate and dissuasive penalties on natural gas and hydrogen undertakings not complying with their obligations under this Directive or any relevant legally binding decisions of the regulatory authority or of ACER, or to propose to a competent court to impose such penalties, including the power to impose or propose the imposition of penalties of up to 10 % of the annual turnover of the transmission system operator or hydrogen network operator or of up to 10 % of the annual turnover of the vertically integrated undertaking on the transmission system operator or hydrogen network operator or on the	(d) to impose effective, proportionate and dissuasive penalties on natural gas and hydrogen undertakings not complying with their obligations under this Directive or any relevant legally binding decisions of the regulatory authority or of ACER, or to propose to a competent court to impose such penalties, including the power to impose or propose the imposition of penalties of up to 10 % of the annual turnover of the transmission system operator or hydrogen network operator or of up to 10 % of the annual turnover of the vertically integrated undertaking on the transmission system operator or hydrogen network operator or on the	

PUBLIC

	vertically integrated undertaking, as the case may be, for non compliance with their respective obligations pursuant to this Directive;	vertically integrated undertaking, as the case may be, for non compliance with their respective obligations pursuant to this Directive;	vertically integrated undertaking, as the case may be, for non compliance with their respective obligations pursuant to this Directive;	
Article 72(4), point (e)				
932	(e) appropriate rights of investigations and relevant powers of instructions for dispute settlement under paragraphs 11 and 12.	(e) appropriate rights of investigations and relevant powers of instructions for dispute settlement under paragraphs 11 and 12.	(e) appropriate rights of investigations and relevant powers of instructions for dispute settlement under paragraphs 11 and 12.	
Article 72(5)				
933	5. The regulatory authority located in the Member State in which the ENTSO for Gas, the European Network of Network Operators for Hydrogen or the EU DSO entity has its seat shall have the power to impose effective, proportionate and dissuasive penalties on those entities where they do not comply with their obligations under this Directive, [the recast Gas Regulation proposed in COM(2021) xxx] or any relevant legally binding decisions of the regulatory authority or of ACER, or to	5. The regulatory authority located in the Member State in which the ENTSO for Gas, the European Network of Network Operators for Hydrogen or the EU DSO entity has its seat shall have the power to impose effective, proportionate and dissuasive penalties on those entities where they do not comply with their obligations under this Directive, [the recast Gas Regulation proposed in COM(2021) xxx] or any relevant legally binding decisions of the regulatory authority or of ACER, or to	5. The regulatory authority located in the Member State in which the ENTSO for Gas, the European Network of Network Operators for Hydrogen or the EU DSO entity has its seat shall have the power to impose effective, proportionate and dissuasive penalties on those entities where they do not comply with their obligations under this Directive, [the recast Gas Regulation proposed in COM(2021) ~~xxx~~ **804**] or any relevant legally binding decisions of the regulatory authority or of ACER, or to	

PUBLIC

	propose that a competent court impose such penalties.	propose that a competent court impose such penalties.	propose that a competent court impose such penalties.	
Article 72(6)				
934	6. In addition to the duties and powers conferred on it under paragraphs 1 and 4 of this Article, when an independent transmission operator or an integrated hydrogen network operator has been designated in accordance with Chapter IX, Section 3, the regulatory authority shall be granted at least the following duties and powers:	6. In addition to the duties and powers conferred on it under paragraphs 1 and 4 of this Article, when an independent transmission operator or an integrated hydrogen network operator has been designated in accordance with Chapter IX, Section 3, the regulatory authority shall be granted at least the following duties and powers:	6. In addition to the duties and powers conferred on it under paragraphs 1 and 4 of this Article, when an independent transmission operator or an integrated hydrogen network operator has been designated in accordance with Chapter IX, Section 3, the regulatory authority shall be granted at least the following duties and powers:	
Article 72(6), point (a)				
935	(a) to issue penalties in accordance with paragraph 4, point (d) for discriminatory behaviour in favour of the vertically integrated undertaking;	(a) to issue penalties in accordance with paragraph 4, point (d) for discriminatory behaviour in favour of the vertically integrated undertaking;	(a) to issue penalties in accordance with paragraph 4, point (d) for discriminatory behaviour in favour of the vertically integrated undertaking;	
Article 72(6), point (b)				
936	(b) to monitor communications between the transmission system operator or an integrated hydrogen network operator and the vertically integrated undertaking so as to	(b) to monitor communications between the transmission system operator or an integrated hydrogen network operator and the vertically integrated undertaking so as to	(b) to monitor communications between the transmission system operator or an integrated hydrogen network operator and the vertically integrated undertaking so as to	

PUBLIC

	ensure compliance of the transmission system operator or the integrated hydrogen network operator with its obligations;	ensure compliance of the transmission system operator or the integrated hydrogen network operator with its obligations;	ensure compliance of the transmission system operator or the integrated hydrogen network operator with its obligations;	
Article 72(6), point (c)				
937	(c) to act as dispute settlement authority between the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator in respect of any complaint submitted pursuant to paragraph 11;	(c) to act as dispute settlement authority between the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator in respect of any complaint submitted pursuant to paragraph 11;	(c) to act as dispute settlement authority between the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator in respect of any complaint submitted pursuant to paragraph 11;	
Article 72(6), point (d)				
938	(d) to monitor commercial and financial relations including loans between the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator;	(d) to monitor commercial and financial relations including loans between the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator;	(d) to monitor commercial and financial relations including loans between the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator;	
Article 72(6), point (e)				
939	(e) to approve all commercial and financial agreements between the vertically integrated undertaking and the transmission system operator or the integrated	(e) to approve all commercial and financial agreements between the vertically integrated undertaking and the transmission system operator or the integrated	(e) to approve all commercial and financial agreements between the vertically integrated undertaking and the transmission system operator or the integrated	

PUBLIC

	hydrogen network operator, on the condition that they comply with market conditions;	hydrogen network operator, on the condition that they comply with market conditions;	hydrogen network operator, on the condition that they comply with market conditions;	
Article 72(6), point (f)				
940	(f) to request justification from the vertically integrated undertaking when notified by the compliance officer in accordance with Article 64(4), in particular including evidence to the end that no discriminatory behaviour to the advantage of the vertically integrated undertaking has occurred;	(f) to request justification from the vertically integrated undertaking when notified by the compliance officer in accordance with Article 64(4), in particular including evidence to the end that no discriminatory behaviour to the advantage of the vertically integrated undertaking has occurred;	(f) to request justification from the vertically integrated undertaking when notified by the compliance officer in accordance with Article 64(4), in particular including- evidence to the end that no discriminatory behaviour to the advantage of the vertically integrated undertaking has occurred;	
Article 72(6), point (g)				
941	(g) to carry out inspections, including unannounced inspections, on the premises of the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator;	(g) to carry out inspections, including unannounced inspections, on the premises of the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator;	(g) to carry out inspections, including unannounced inspections, on the premises of the vertically integrated undertaking and the transmission system operator or the integrated hydrogen network operator;	
Article 72(6), point (h)				
942	(h) to assign all or specific tasks of the transmission system operator or the integrated	(h) to assign all or specific tasks of the transmission system operator or the integrated	(h) to assign all or specific tasks of the transmission system operator or the integrated	

PUBLIC

	hydrogen network operator to an independent system operator or an independent hydrogen network operator, appointed in accordance with Article 64 in case of a persistent breach by the transmission system operator or the integrated hydrogen network operator of its obligations under this Directive, in particular in case of repeated discriminatory behaviour to the benefit of the vertically integrated undertaking.	hydrogen network operator to an independent system operator or an independent hydrogen network operator, appointed in accordance with Article 64 in case of a persistent breach by the transmission system operator or the integrated hydrogen network operator of its obligations under this Directive, in particular in case of repeated discriminatory behaviour to the benefit of the vertically integrated undertaking.	hydrogen network operator to an independent system operator or an independent hydrogen network operator, appointed in accordance with Article 64 in case of a persistent breach by the transmission system operator or the integrated hydrogen network operator of its obligations under this Directive, in particular in case of repeated discriminatory behaviour to the benefit of the vertically integrated undertaking.	
Article 72(7)				
943	7. The regulatory authorities shall be responsible for fixing or approving sufficiently in advance of their entry into force at least the methodologies used to calculate or establish the terms and conditions for:	7. The regulatory authorities shall be responsible for fixing or approving sufficiently in advance of their entry into force at least the methodologies used to calculate or establish the terms and conditions for:	7. The regulatory authorities shall be responsible for fixing or approving sufficiently in advance of their entry into force at least the methodologies used to calculate or establish the terms and conditions for:	
Article 72(7), point (a)				
944	(a) connection and access to national natural gas networks, including transmission and distribution tariffs, and terms, conditions and tariffs for access to LNG facilities, whereby tariffs or methodologies shall allow the	(a) connection and access to national natural gas networks, including transmission and distribution tariffs, and terms, conditions and tariffs for access to LNG facilities, whereby tariffs or methodologies shall allow the	(a) connection and access to national natural gas networks, including transmission and distribution tariffs, and terms, conditions and tariffs for access to LNG facilities, whereby**.** tariffs or methodologies shall allow the	

	necessary investments in the networks and LNG facilities to be carried out in a manner allowing those investments to ensure the viability of the networks and LNG facilities;	necessary investments in the networks and LNG facilities to be carried out in a manner allowing those investments to ensure the viability of the networks and LNG facilities;	necessary investments in the networks and LNG facilities to be carried out in a manner allowing those investments to ensure the viability of the networks and LNG facilities;	
Article 72(7), point (b)				
945	(b) connection and access to national hydrogen networks, including, as from 1 January 2031, the hydrogen network tariffs, where applicable, and terms and conditions and tariffs for access to for hydrogen storage and hydrogen terminals;	(b) connection and access to national hydrogen networks, including, as from 1 January 2031, the hydrogen network tariffs, where applicable, and terms and conditions and tariffs for access to for hydrogen storage and hydrogen terminals;	(b) connection and access to national hydrogen networks, including, as from 1 January 2031, the hydrogen network tariffs, where applicable, and terms and conditions and tariffs for access to for hydrogen storage and hydrogen terminals;	
Article 72(7), point (c)				
946	(c) the provision of balancing services which shall be performed in the most economic manner and provide appropriate incentives for network users to balance their input and off-takes in a fair and non-discriminatory manner and be based on objective criteria;	(c) the provision of balancing services which shall be performed in the most economic manner and provide appropriate incentives for network users to balance their input and off-takes in a fair and non-discriminatory manner and be based on objective criteria;	(c) the provision of balancing services which shall be performed in the most economic manner and provide appropriate incentives for network users to balance their input and off-takes in a fair and non-discriminatory manner and be based on objective criteria;	
Article 72(7), point (d)				
947				

PUBLIC

	(d) approving and monitoring dedicated charges in accordance with Article 4 of [recast Gas Regulation as proposed in COM(2021) xxx].	(d) approving and monitoring dedicated charges in accordance with Article 4 of [recast Gas Regulation as proposed in COM(2021) xxx].	(d) approving and monitoring dedicated charges in accordance with Article 4 of [recast Gas Regulation as proposed in COM(2021) ~~xxx~~ **804**].	
Article 72(7), point (e)				
948	(e) access to cross-border infrastructures, including the procedures for the allocation of capacity and congestion management.	(e) access to cross-border infrastructures, including the procedures for the allocation of capacity and congestion management.	(e) access to cross-border infrastructures, including the procedures for the allocation of capacity and congestion management.	
Article 72(8)				
949	8. The methodologies or the terms and conditions referred to in paragraph 7 shall be published.	8. The methodologies or the terms and conditions referred to in paragraph 7 shall be published.	8. The methodologies or the terms and conditions referred to in paragraph 7 shall be published.	
Article 72(9)				
950	9. In fixing or approving the tariffs or methodologies and the balancing services, the regulatory authorities shall ensure that transmission and distribution system operators and, as from 1 January 2031, hydrogen network operators are granted appropriate incentive, over both the short and long term, to increase efficiencies,	9. In fixing or approving the tariffs or methodologies and the balancing services, the regulatory authorities shall ensure that transmission and distribution system operators and, as from 1 January 2031, hydrogen network operators are granted appropriate incentive, over both the short and long term, to increase efficiencies,	9. In fixing or approving the tariffs or methodologies and the balancing services, the regulatory authorities shall ensure that transmission and distribution system operators and, as from 1 January ~~2031~~**2036 or as from the date of applying Article 31(1)**, hydrogen network operators are granted appropriate incentive, over	

PUBLIC

	foster market integration and security of supply and support the related research activities.	foster market integration and security of supply and support the related research activities.	both the short and long term, to increase efficiencies, foster market integration and security of supply and support the related research activities.	
Article 72(10)				
951	10. The regulatory authorities shall monitor congestion management of national transmission networks and hydrogen networks including interconnectors, and the implementation of congestion management rules. To that end, transmission system operators, hydrogen network operators or market operators shall submit their congestion management rules, including capacity allocation, to the regulatory authorities. Regulatory authorities may request amendments to those rules.	10. ***he*** regulatory authorities shall monitor congestion management of national transmission networks and hydrogen networks including interconnectors, and the implementation of congestion management rules. To that end, transmission system operators, hydrogen network operators or market operators shall submit their congestion management rules, including capacity allocation, to the regulatory authorities. Regulatory authorities may request amendments to those rules. ***This paragraph shall not apply to hydrogen distribution network operators.***	10. The regulatory authorities shall monitor congestion management of national transmission networks and hydrogen networks including interconnectors, and the implementation of congestion management rules. To that end, transmission system operators, hydrogen network operators or market operators shall submit their congestion management rules, including capacity allocation, to the regulatory authorities. Regulatory authorities may request amendments to those rules.	
Article 73				
952	Article 73 Decisions and complaints	Article 73 Decisions and complaints	Article 73 -Decisions and complaints	
Article 73(1)				

PUBLIC

953	1. Regulatory authorities shall have the authority to require natural gas transmission, storage, LNG and distribution system operators, hydrogen storage and terminal operators, and, as from 1 January 2031, hydrogen network operators if necessary, to modify the terms and conditions, including tariffs and methodologies referred to in this Article, to ensure that they are proportionate and applied in a non-discriminatory manner. In the event that the access regime to storage is defined according to Article 29(3), that task shall exclude the modification of tariffs. In the event of delay in the fixing of natural gas transmission and distribution tariffs and, where appropriate, hydrogen network tariffs, regulatory authorities shall have the power to fix or approve provisional transmission and distribution tariffs or methodologies and hydrogen network tariffs and methodologies and to decide on the appropriate compensatory measures if the final tariffs or methodologies deviate from those provisional tariffs or methodologies.	1. Regulatory authorities shall have the authority to require natural gas transmission, storage, LNG and distribution system operators, hydrogen storage and terminal operators, and, as from 1 January 2031, hydrogen network operators if necessary, to modify the terms and conditions, including tariffs and methodologies referred to in this Article, to ensure that they are proportionate and applied in a non-discriminatory manner. In the event that the access regime to storage is defined ***pursuant*** to Article 29(3), that task shall exclude the modification of tariffs. In the event of delay in the fixing of natural gas transmission and distribution tariffs and, where appropriate, hydrogen network tariffs, regulatory authorities shall have the power to fix or approve provisional transmission and distribution tariffs or methodologies and hydrogen network tariffs and methodologies and to decide on the appropriate compensatory measures if the final tariffs or methodologies deviate from those provisional tariffs or methodologies.	1. Regulatory authorities shall have the authority to require natural gas transmission, storage, LNG and distribution system operators, hydrogen storage and terminal operators, and, ~~as from 1 January 2031,~~ hydrogen network operators if necessary, to modify the terms and conditions, including tariffs and methodologies referred to in this Article, to ensure that they are proportionate and applied in a non-discriminatory manner. In the event that the access regime to storage is defined according to Article 29(3)**, that task shall exclude the modification of tariffs. In the event that the access regime to hydrogen storage or hydrogen networks is based on negotiated third-party access in accordance with Article 31(4), Article 32(1) or Article 33(1)**, that task shall exclude the modification of tariffs. In the event of delay in the fixing of natural gas transmission and distribution tariffs and, where appropriate, hydrogen network tariffs, regulatory authorities shall have the power to fix or approve provisional transmission and distribution tariffs or	

			methodologies and hydrogen network tariffs and methodologies and to decide on the appropriate compensatory measures if the final tariffs or methodologies deviate from those provisional tariffs or methodologies.	
Article 73(2)				
954	2. Any party having a complaint against a natural gas transmission, storage, LNG or distribution system operator or a hydrogen network, storage or terminal operator in relation to that operator's obligations under this Directive may refer the complaint to the regulatory authority which, acting as dispute settlement authority, shall issue a decision within a period of two months after receipt of the complaint. That period may be extended by two months where additional information is sought by the regulatory authorities. That extended period may be further extended with the agreement of the complainant. The regulatory authority's decision shall have binding effect unless and until overruled on appeal.	2. Any party having a complaint against a natural gas transmission, storage, LNG or distribution system operator or a hydrogen network, storage or terminal operator in relation to that operator's obligations under this Directive may refer the complaint to the regulatory authority which, acting as dispute settlement authority, shall issue a decision within a period of two months after receipt of the complaint. That period may be extended by two months where additional information is sought by the regulatory authorities. That extended period may be further extended with the agreement of the complainant. The regulatory authority's decision shall have binding effect unless and until overruled on appeal.	2. Any party having a complaint against a natural gas transmission, storage, LNG or distribution system operator or a hydrogen network, storage or terminal operator in relation to that operator's obligations under this Directive may refer the complaint to the regulatory authority which, acting as dispute settlement authority, shall issue a decision within a period of two months after receipt of the complaint. That period may be extended by two months where additional information is sought by the regulatory authorities. That extended period may be further extended with the agreement of the complainant. The regulatory authority's decision shall have binding effect unless and until overruled on appeal.	

PUBLIC

Article 73(3)				
955	3. Any party who is affected and who has a right to complain concerning a decision on methodologies taken pursuant to this Article or, where the regulatory authority has a duty to consult, concerning the proposed tariffs or methodologies, may, at the latest within two months, or a shorter time period as provided by Member States, following publication of the decision or proposal for a decision, submit a complaint for review. Such a complaint shall not have suspensive effect.	3. Any party who is affected and who has a right to complain concerning a decision on methodologies taken pursuant to this Article or, where the regulatory authority has a duty to consult, concerning the proposed tariffs or methodologies, may, at the latest within two months, or a shorter time period as provided by Member States, following publication of the decision or proposal for a decision, submit a complaint for review. Such a complaint shall not have suspensive effect.	3. Any party who is affected and who has a right to complain concerning a decision on methodologies taken pursuant to this Article or, where the regulatory authority has a duty to consult, concerning the proposed tariffs or methodologies, may, at the latest within two months, or a shorter time period as provided by Member States, following publication of the decision or proposal for a decision, submit a complaint for review. Such a complaint shall not have suspensive effect.	
Article 73(4)				
956	4. Member States shall create appropriate and efficient mechanisms for regulation, control and transparency so as to avoid any abuse of a dominant position, in particular to the detriment of consumers, and any predatory behaviour. Those mechanisms shall take account of the provisions of the TFEU, and in particular Article 102 thereof.	4. Member States shall create appropriate and efficient mechanisms for regulation, control and transparency so as to avoid any abuse of a dominant position, in particular to the detriment of consumers, and any predatory behaviour. Those mechanisms shall take account of the provisions of the TFEU, and in particular Article 102 thereof.	4. Member States shall create appropriate and efficient mechanisms for regulation, control and transparency so as to avoid any abuse of a dominant position, in particular to the detriment of consumers, and any predatory behaviour. Those mechanisms shall take account of the provisions of the TFEU, and in particular Article 102 thereof.	
Article 73(5)				

PUBLIC

957	5. Member States shall ensure that the appropriate measures are taken, including administrative action or criminal proceedings in conformity with their national law, against the natural or legal persons responsible where confidentiality rules imposed by this Directive have not been respected.	5. Member States shall ensure that the appropriate measures are taken, including administrative action or criminal proceedings in conformity with their national law, against the natural or legal persons responsible where confidentiality rules imposed by this Directive have not been respected.	5. Member States shall ensure that the appropriate measures are taken, including administrative action or criminal proceedings in conformity with their national law, against the natural or legal persons responsible where confidentiality rules imposed by this Directive have not been respected.	
Article 73(6)				
958	6. Complaints referred to in paragraphs 2 and 3 shall be without prejudice to the exercise of rights of appeal under Union or national law.	6. Complaints referred to in paragraphs 2 and 3 shall be without prejudice to the exercise of rights of appeal under Union or national law.	6. Complaints referred to in paragraphs 2 and 3 shall be without prejudice to the exercise of rights of appeal under Union or national law.	
Article 73(7)				
959	7. Decisions taken by regulatory authorities shall be fully reasoned and justified to allow for judicial review. The decisions shall be available to the public while preserving the confidentiality of commercially sensitive information.	7. Decisions taken by regulatory authorities shall be fully reasoned and justified to allow for judicial review. The decisions shall be available to the public while preserving the confidentiality of commercially sensitive information.	7. Decisions taken by regulatory authorities shall be fully reasoned and justified to allow for judicial review. The decisions shall be available to the public while preserving the confidentiality of commercially sensitive information.	
Article 73(8)				
960				

	8. Member States shall ensure that suitable mechanisms exist at national level under which a party affected by a decision of a regulatory authority has a right of appeal to a body independent of the parties involved and of any government.	8. Member States shall ensure that suitable mechanisms exist at national level under which a party affected by a decision of a regulatory authority has a right of appeal to a body independent of the parties involved and of any government.	8. Member States shall ensure that suitable mechanisms exist at national level under which a party affected by a decision of a regulatory authority has a right of appeal to a body independent of the parties involved and of any government.	
Article 74				
961	Article 74 Regional cooperation between regulatory authorities on cross-border issues	Article 74 Regional cooperation between regulatory authorities on cross-border issues	Article 74 -Regional cooperation between regulatory authorities on cross-border issues	
Article 74(1)				
962	1. Regulatory authorities shall closely consult and cooperate with each other, and in particular within ACER, and shall provide each other and ACER with any information necessary for the fulfilment of their tasks under this Directive. In respect of the information exchanged, the receiving authority shall ensure the same level of confidentiality as that required of the originating authority.	1. Regulatory authorities shall closely consult and cooperate with each other, and in particular within ACER, and shall provide each other and ACER with any information necessary for the fulfilment of their tasks under this Directive. In respect of the information exchanged, the receiving authority shall ensure the same level of confidentiality as that required of the originating authority.	1. Regulatory authorities shall closely consult and cooperate with each other, and in particular within ACER, and shall provide each other and ACER with any information necessary for the fulfilment of their tasks under this Directive. In respect of the information exchanged, the receiving authority shall ensure the same level of confidentiality as that required of the originating authority.	
Article 74(2)				

963	2. Regulatory authorities shall cooperate at least at a regional level to:	2. Regulatory authorities shall cooperate at least at a regional level to:	2. Regulatory authorities shall cooperate at least at a regional level to:	
Article 74(2), point (a)				
964	(a) foster the creation of operational arrangements in order to enable an optimal management of the network, promote joint gas and hydrogen exchanges and the allocation of cross-border capacity, and to enable an adequate level of interconnection capacity, including through new interconnections, within the region and between regions to allow for development of effective competition and improvement of security of supply without discriminating between supply undertakings in different Member States;	(a) foster the creation of operational arrangements in order to enable an optimal management of the network, promote joint gas and hydrogen exchanges and the allocation of cross-border capacity, and to enable an adequate level of interconnection capacity, including through new interconnections, within the region and between regions to allow for development of effective competition and improvement of security of supply without discriminating between supply undertakings in different Member States;	(a) foster the creation of operational arrangements in order to enable an optimal management of the network, promote joint gas and hydrogen exchanges and the allocation of cross-border capacity, and to enable an adequate level of interconnection capacity, including through new interconnections, within the region and between regions to allow for development of effective competition and improvement of security of supply without discriminating between supply undertakings in different Member States;	
Article 74(2), point (b)				
965	(b) coordinate the development of all network codes for the relevant transmission system operators, hydrogen network operators and other market actors;	(b) coordinate the development of all network codes for the relevant transmission system operators, hydrogen network operators and other market actors;	(b) coordinate the development of all network codes for the relevant transmission system operators, hydrogen network operators and other market actors;	

PUBLIC

Article 74(2), point (c)				
966	(c) coordinate the development of the rules governing the management of congestion;	(c) coordinate the development of the rules governing the management of congestion;	(c) coordinate the development of the rules governing the management of congestion;	
Article 74(2), point (d)				
967	(d) to ensure regulatory compliance of legal entities fulfilling transmission operators' and network operators' tasks at cross-border or regional level.	(d) to ensure regulatory compliance of legal entities fulfilling transmission operators' and network operators' tasks at cross-border or regional level.	(d) to ensure regulatory compliance of legal entities fulfilling transmission operators' and network operators' tasks at cross-border or regional level.	
Article 74(3)				
968	3. Regulatory authorities shall have the right to enter into cooperative arrangements with each other to foster regulatory cooperation.	3. Regulatory authorities shall have the right to enter into cooperative arrangements with each other to foster regulatory cooperation.	3. Regulatory authorities shall have the right to enter into cooperative arrangements with each other to foster regulatory cooperation.	
Article 74(4)				
969	4. The actions referred to in paragraph 2 shall be carried out, as appropriate, in close consultation with other relevant national authorities and without prejudice to their specific competencies.	4. The actions referred to in paragraph 2 shall be carried out, as appropriate, in close consultation with other relevant national authorities and without prejudice to their specific competencies.	4. The actions referred to in paragraph 2 shall be carried out, as appropriate, in close consultation with other relevant national authorities and without prejudice to their specific competencies.	
Article 74(5)				

PUBLIC

970	5. The Commission is empowered to adopt delegated acts in accordance with Article 83 in order to supplement this Directive by establishing guidelines on the extent of the duties of the regulatory authorities to cooperate with each other and with ACER.	5. The Commission is empowered to adopt delegated acts in accordance with Article 83 in order to supplement this Directive by establishing guidelines on the extent of the duties of the regulatory authorities to cooperate with each other and with ACER.	5. The Commission is empowered to adopt delegated acts in accordance with Article 83 in order to supplement this Directive by establishing guidelines on the extent of the duties of the regulatory authorities to cooperate with each other and with ACER.	
Article 74(6)				
971	6. Regulatory authorities, or where appropriate other competent authorities, may consult and cooperate with the relevant authorities of third countries, including Energy Community Contracting Parties, in relation to the operation of gas and hydrogen infrastructure to and from third countries with a view to ensuring, as regards the infrastructure concerned, that this Directive is applied consistently in the territory and territorial sea of a Member State.	6. Regulatory authorities, or where appropriate other competent authorities, may consult and cooperate with the relevant authorities of third countries, including Energy Community Contracting Parties, in relation to the operation of gas and hydrogen infrastructure to and from third countries with a view to ensuring, as regards the infrastructure concerned, that this Directive is applied consistently in the territory and territorial sea of a Member State.	6. Regulatory authorities, or where appropriate other competent authorities, may consult and cooperate with the relevant authorities of third countries, including Energy Community Contracting Parties, in relation to the operation of gas and hydrogen infrastructure to and from third countries with a view to ensuring, as regards the infrastructure concerned, that this Directive is applied consistently in the territory and territorial sea of a Member State.	
Article 75				
972	Article 75 Compliance with the network codes and guidelines	Article 75 Compliance with the network codes and guidelines	Article 75 Compliance with the network codes and guidelines	

Article 75(1)				
973	1. Any regulatory authority and the Commission may request the opinion of ACER on the compliance of a decision taken by a regulatory authority with the network codes and the guidelines referred to in this Directive or in [recast Gas Regulation as proposed in COM(2021) xxx].	1. Any regulatory authority and the Commission may request the opinion of ACER on the compliance of a decision taken by a regulatory authority with the network codes and the guidelines referred to in this Directive or in [recast Gas Regulation as proposed in COM(2021) xxx].	1. Any regulatory authority and the Commission may request the opinion of ACER on the compliance of a decision taken by a regulatory authority with the network codes and the guidelines referred to in this Directive or in [recast Gas Regulation as proposed in COM(2021) ~~xxx~~ **804**].	
Article 75(2)				
974	2. ACER shall provide its opinion to the regulatory authority which has requested it or to the Commission, respectively, and to the regulatory authority which has taken the decision in question within three months from the date of receipt of the request.	2. ACER shall provide its opinion to the regulatory authority which has requested it or to the Commission, respectively, and to the regulatory authority which has taken the decision in question within three months from the date of receipt of the request.	2. ACER shall provide its opinion to the regulatory authority which has requested it or to the Commission, respectively, and to the regulatory authority which has taken the decision in question within three months from the date of receipt of the request.	
Article 75(3)				
975	3. Where the regulatory authority which has taken the decision does not comply with ACER's opinion within four months from the date of receipt of that opinion, ACER	3. Where the regulatory authority which has taken the decision does not comply with ACER's opinion within four months from the date of receipt of that opinion, ACER	3. Where the regulatory authority which has taken the decision does not comply with ACER's opinion within four months from the date of receipt of that opinion, ACER	

PUBLIC

	shall inform the Commission accordingly.	shall inform the Commission accordingly.	shall inform the Commission accordingly.	
Article 75(4)				
976	4. Any regulatory authority may inform the Commission where it considers that a decision relevant for cross border-trade taken by another regulatory authority does not comply with the network codes and guidelines referred to in this Directive or in [recast Gas Regulation as proposed in COM(2021) xxx] within two months from the date of that decision.	4. Any regulatory authority may inform the Commission where it considers that a decision relevant for cross border-trade taken by another regulatory authority does not comply with the network codes and guidelines referred to in this Directive or in [recast Gas Regulation as proposed in COM(2021) xxx] within two months from the date of that decision.	4. Any regulatory authority may inform the Commission where it considers that a decision relevant for cross border-trade taken by another regulatory authority does not comply with the network codes and guidelines referred to in this Directive or in [recast Gas Regulation as proposed in COM(2021) ~~xxx~~ **804**] within two months from the date of that decision.	
Article 75(5)				
977	5. Where the Commission, within two months of having been informed by ACER in accordance with paragraph 3, or by a regulatory authority in accordance with paragraph 4, or on its own initiative within three months from the date of the decision, finds that the decision of a regulatory authority raises serious doubts as to its compatibility with the network codes and the guidelines referred to in this Directive or in	5. Where the Commission, within two months of having been informed by ACER in accordance with paragraph 3, or by a regulatory authority in accordance with paragraph 4, or on its own initiative within three months from the date of the decision, finds that the decision of a regulatory authority raises serious doubts as to its compatibility with the network codes and the guidelines referred to in this Directive or in	5. Where the Commission, within two months of having been informed by ACER in accordance with paragraph 3, or by a regulatory authority in accordance with paragraph 4, or on its own initiative within three months from the date of the decision, finds that the decision of a regulatory authority raises serious doubts as to its compatibility with the network codes and the guidelines referred to in this Directive or in	

PUBLIC

	[recast Gas Regulation as proposed in COM(2021) xxx], the Commission may decide to examine the case further. In such a case, it shall invite the regulatory authority and the parties to the proceedings before the regulatory authority to submit observations.	[recast Gas Regulation as proposed in COM(2021) xxx], the Commission may decide to examine the case further. In such a case, it shall invite the regulatory authority and the parties to the proceedings before the regulatory authority to submit observations.	[recast Gas Regulation as proposed in COM(2021) ~~xxx~~ **804**], the Commission may decide to examine the case further. In such a case, it shall invite the regulatory authority and the parties to the proceedings before the regulatory authority to submit observations.	
Article 75(6)				
978	6. Where the Commission takes a decision to examine the case further, it shall, within four months of the date of such decision, issue a final decision:	6. Where the Commission takes a decision to examine the case further, it shall, within four months of the date of such decision, issue a final decision:	6. Where the Commission takes a decision to examine the case further, it shall, within four months of the date of such decision, issue a final decision:	
Article 75(6), point (a)				
979	(a) not to raise objections against the decision of the regulatory authority; or	(a) not to raise objections against the decision of the regulatory authority; or	(a) not to raise objections against the decision of the regulatory authority; or	
Article 75(6), point (b)				
980	(b) to require the regulatory authority concerned to withdraw its decision on the basis that the network codes and the guidelines have not been complied with.	(b) to require the regulatory authority concerned to withdraw its decision on the basis that the network codes and the guidelines have not been complied with.	(b) to require the regulatory authority concerned to withdraw its decision on the basis that the network codes and the guidelines have not been complied with.	

Article 75(7)				
981	7. Where the Commission has not taken a decision to examine the case further or a final decision within the time-limits set in paragraphs 5 and 6 respectively, it shall be deemed not to have raised objections to the decision of the regulatory authority.	7. Where the Commission has not taken a decision to examine the case further or a final decision within the time-limits set in paragraphs 5 and 6 respectively, it shall be deemed not to have raised objections to the decision of the regulatory authority.	7. Where the Commission has not taken a decision to examine the case further or a final decision within the time-limits set in paragraphs 5 and 6 respectively, it shall be deemed not to have raised objections to the decision of the regulatory authority.	
Article 75(8)				
982	8. The regulatory authority shall comply with the Commission decision to withdraw its decision within a period of two months and shall inform the Commission accordingly.	8. The regulatory authority shall comply with the Commission decision to withdraw its decision within a period of two months and shall inform the Commission accordingly.	8. The regulatory authority shall comply with the Commission decision to withdraw its decision within a period of two months and shall inform the Commission accordingly.	
Article 75(9)				
983	9. The Commission is empowered to adopt delegated acts in accordance with Article 83 supplementing this Directive by establishing guidelines setting out the details of the procedure to be followed for the application of this Article.	9. The Commission is empowered to adopt delegated acts in accordance with Article 83 supplementing this Directive by establishing guidelines setting out the details of the procedure to be followed for the application of this Article.	9. The Commission is empowered to adopt delegated acts in accordance with Article 83 ~~supplementing~~**to supplement** this Directive by establishing guidelines setting out the details of the procedure to be followed for the application of this Article.	
Article 76				

984	Article 76 Record keeping	Article 76 Record keeping	Article 76 Record keeping	
Article 76(1)				
985	1. Member States shall require supply undertakings to keep at the disposal of the national authorities, including the regulatory authority, the national competition authorities and the Commission, for the fulfilment of their tasks, for at least five years, the relevant data relating to all transactions in natural gas and hydrogen supply contracts and natural gas and hydrogen derivatives with wholesale customers and transmission system operators, as storage and LNG operators as well as hydrogen network, storage and terminal operators.	1. Member States shall require supply undertakings to keep at the disposal of the national authorities, including the regulatory authority, the national competition authorities and the Commission, for the fulfilment of their tasks, for at least five years, the relevant data relating to all transactions in natural gas and hydrogen supply contracts and natural gas and hydrogen derivatives with wholesale customers and transmission system operators, as storage and LNG operators as well as hydrogen network, storage and terminal operators.	1. Member States shall require supply undertakings to keep at the disposal of the national authorities, including the regulatory authority, the national competition authorities and the Commission, for the fulfilment of their tasks, for at least five years, the relevant data relating to all transactions in natural gas and hydrogen supply contracts and natural gas and hydrogen derivatives with wholesale customers and transmission system operators, as storage and LNG operators as well as hydrogen network, storage and terminal operators.	
Article 76(2)				
986	2. The data shall include details on the characteristics of the relevant transactions such as duration, delivery and settlement rules, the quantity, the dates and times of execution and the transaction prices and means of	2. The data shall include details on the characteristics of the relevant transactions such as duration, delivery and settlement rules, the quantity, the dates and times of execution and the transaction prices and means of	2. The data shall include details on the characteristics of the relevant transactions such as duration, delivery and settlement rules, the quantity, the dates and times of execution and the transaction prices and means of	

PUBLIC

	identifying the wholesale customer concerned, as well as specified details of all unsettled natural gas and hydrogen supply contracts and natural gas and hydrogen derivatives.	identifying the wholesale customer concerned, as well as specified details of all unsettled natural gas and hydrogen supply contracts and natural gas and hydrogen derivatives.	identifying the wholesale customer concerned, as well as specified details of all unsettled natural gas and hydrogen supply contracts and natural gas and hydrogen derivatives.	
Article 76(3)				
987	3. The regulatory authority may decide to make available to market participants elements of this information provided that commercially sensitive information on individual market players or individual transactions is not released. This paragraph shall not apply to information about financial instruments which fall within the scope of Directive 2014/65/EU.	3. The regulatory authority may decide to make available to market participants elements of this information provided that commercially sensitive information on individual market players or individual transactions is not released. This paragraph shall not apply to information about financial instruments which fall within the scope of Directive 2014/65/EU.	3. The regulatory authority may decide to make available to market participants elements of this information provided that commercially sensitive information on individual market players or individual transactions is not released. This paragraph shall not apply to information about financial instruments which fall within the scope of Directive 2014/65/EU.	
Article 76(4)				
988	4. The Commission is empowered to adopt delegated acts supplementing this Directive in accordance with Article 83, by establishing guidelines which define the methods and arrangements for record keeping as well as the form and content of the data that shall be kept.	4. The Commission is empowered to adopt delegated acts supplementing this Directive in accordance with Article 83, by establishing guidelines which define the methods and arrangements for record keeping as well as the form and content of the data that shall be kept.	4. The Commission is empowered to adopt delegated acts ~~supplementing~~**to supplement** this Directive in accordance with Article 83, by establishing guidelines which define the methods and arrangements for record keeping as well as the form	

PUBLIC

			and content of the data that shall be kept.	
Article 76(5)				
989	5. With respect to transactions in natural gas and hydrogen derivatives of supply undertakings with wholesale customers and natural gas transmission system operators, storage and LNG operators as well as hydrogen network, storage and terminal operators, this Article shall apply only once the Commission has adopted the guidelines referred to in paragraph 4.	5. With respect to transactions in natural gas and hydrogen derivatives of supply undertakings with wholesale customers and natural gas transmission system operators, storage and LNG operators as well as hydrogen network, storage and terminal operators, this Article shall apply only once the Commission has adopted the guidelines referred to in paragraph 4.	5. With respect to transactions in natural gas and hydrogen derivatives of supply undertakings with wholesale customers and natural gas transmission system operators , storage and LNG operators as well as hydrogen network, storage and terminal operators, this Article shall apply only once the Commission has adopted the guidelines referred to in paragraph 4.	
Article 76(6)				
990	6. The provisions of this Article shall not create additional obligations towards the authorities referred to in paragraph 1 for entities falling within the scope of Directive 2014/65/EU.	6. The provisions of this Article shall not create additional obligations towards the authorities referred to in paragraph 1 for entities falling within the scope of Directive 2014/65/EU.	6. The provisions of this Article shall not create additional obligations towards the authorities referred to in paragraph 1 for entities falling within the scope of Directive 2014/65/EU .	
Article 76(7)				
991	7. In the event that the authorities referred to in paragraph 1 need access to data kept by entities	7. In the event that the authorities referred to in paragraph 1 need access to data kept by entities	7. In the event that the authorities referred to in paragraph 1 need access to data kept by entities	

PUBLIC

	falling within the scope of Directive 2014/65/EU, the authorities responsible under that Directive shall provide them with the required data.	falling within the scope of Directive 2014/65/EU, the authorities responsible under that Directive shall provide them with the required data.	falling within the scope of Directive 2014/65/EU, the authorities responsible under that Directive shall provide them with the required data.	
Chapter XI				
992	Chapter XI Final provisions	Chapter XI Final provisions	Chapter XI -Final provisions	
Article 77				
993	Article 77 Safeguard measures	Article 77 Safeguard measures	Article 77 Safeguard measures	
Article 77(1)				
994	1. In the event of a sudden crisis in the energy market or where the physical safety or security of persons, apparatus or installations or system integrity is threatened, a Member State may declare an emergency state pursuant to Article 11 of Regulation (EU 2017/1938 and take the measures foreseen in the national emergency plan.	1. In the event of a sudden crisis in the energy market or where the physical safety or security of persons, apparatus or installations or system integrity is threatened, a Member State may declare an emergency state pursuant to Article 11 of Regulation (EU 2017/1938 and take the measures foreseen in the national emergency plan.	1. In the event of a sudden crisis in the energy market or where the physical safety or security of persons, apparatus or installations or system integrity is threatened, a Member State may **take the measures foreseen in the national emergency plan and** declare**, if applicable,** an emergency state pursuant to Article 11 of Regulation (EU ~~2017/1938 and take the measures foreseen in the national emergency plan~~ **2017/ 1938)**.	

PUBLIC

Article 78				
995	Article 78 Level playing field	Article 78 Level playing field	Article 78 Level playing field	
Article 78(1)				
996	1. Measures that the Member States may take pursuant to this Directive in order to ensure a level playing field shall be compatible with the TFEU, notably Article 36 thereof, and with the legislation of the Union.	1. Measures that the Member States may take pursuant to this Directive in order to ensure a level playing field shall be compatible with the TFEU, notably Article ***36*** thereof, and with ***Union law***.	1. Measures that the Member States may take pursuant to this Directive in order to ensure a level playing field shall be compatible with the TFEU , notably Article 36 thereof, and with the legislation of the Union.	
Article 78(2)				
997	2. The measures referred to in paragraph 1 shall be proportionate, non-discriminatory and transparent. Those measures may be put into effect only following the notification to and approval by the Commission.	2. The measures referred to in paragraph 1 shall be proportionate, non-discriminatory and transparent. Those measures may be put into effect only following the notification to and approval by the Commission.	2. The measures referred to in paragraph 1 shall be proportionate, non-discriminatory and transparent. Those measures may be put into effect only following the notification to and approval by the Commission.	
Article 78(3)				
998	3. The Commission shall act on the notification referred to in paragraph 2 within two months of	3. The Commission shall act on the notification referred to in paragraph 2 within two months of	3. The Commission shall act on the notification referred to in paragraph 2 within two months of	

PUBLIC

	the receipt of the notification. That period shall begin on the day following receipt of the complete information. In the event that the Commission has not acted within that two-month period, it shall be deemed not to have raised objections to the notified measures.	the receipt of the notification. That period shall begin on the day following receipt of the complete information. In the event that the Commission has not acted within that two-month period, it shall be deemed not to have raised objections to the notified measures.	the receipt of the notification. That period shall begin on the day following receipt of the complete information. In the event that the Commission has not acted within that two-month period, it shall be deemed not to have raised objections to the notified measures.	
Article 79				
999	Article 79 Technical agreements regarding the operation of natural gas and hydrogen pipeline lines with third countries	Article 79 Technical agreements regarding the operation of natural gas and hydrogen pipeline lines with third countries	Article 79 Technical agreements regarding the operation of natural gas and hydrogen pipeline lines with third countries	
Article 79, first paragraph				
1000	This Directive does not affect the freedom of transmission system operators, hydrogen network operators or other economic operators to maintain in force or to conclude technical agreements on issues concerning the operation of pipelines between a Member State and a third country, insofar as those agreements are compatible with Union law and relevant decisions of the regulatory authorities of the Member States	This Directive does not affect the freedom of transmission system operators, hydrogen network operators or other economic operators to maintain in force or to conclude technical agreements on issues concerning the operation of pipelines between a Member State and a third country, insofar as those agreements are compatible with Union law and relevant decisions of the regulatory authorities of the Member States	This Directive ~~does~~ **shall** not affect the freedom of transmission system operators, hydrogen network operators or other economic operators to maintain in force or to conclude technical agreements on issues concerning the operation of pipelines between a Member State and a third country, insofar as those agreements are compatible with Union law and relevant decisions of the regulatory authorities of the	

	concerned. Such agreements shall be notified to the regulatory authorities of the Member States concerned.	concerned. Such agreements shall be notified to the regulatory authorities of the Member States concerned.	Member States concerned. Such agreements shall be notified to the regulatory authorities of the Member States concerned.	
Article 80				
1001	Article 80 Derogations for natural gas system	Article 80 Derogations for natural gas system	Article 80 Derogations for natural gas system	
Article 80(1)				
1002	1. Member States which are not directly connected to the interconnected system of any other Member State may apply to the Commission for derogations from Articles 3, 7, 54 and/or 27. Any such derogation shall expire from the moment when the first interconnector to the Member State is completed.	1. Member States which are not directly connected to the interconnected system of any other Member State may apply to the Commission for derogations from Articles 3, 7, 54 and/or 27. Any such derogation shall expire from the moment when the first interconnector to the Member State is completed.	1. Member States which are not directly connected to the interconnected system of any other Member State may ~~apply to the Commission for derogations~~ **derogate** from Articles 3, 7, **30, 54 or 27 (1)**~~54 and/or 27~~. Any such derogation shall expire from the moment when the first interconnector to the Member State is completed. **Any such derogation shall be notified to the Commission.**	
Article 80(2)				
1003	2. Member States may apply to the Commission for derogations from applying Articles 3, 7, 54 and/or 27 to outermost regions	2. Member States may apply to the Commission for derogations from applying Articles 3, 7, 54 and/or 27 to outermost regions	2. Member States may apply to the Commission for derogations from applying Articles 3, 7, 54 ~~and/or~~**or** 27 to outermost regions	

PUBLIC

	within the meaning of Article 349 TFEU or to other geographically isolated areas. Any such derogation shall expire from the moment a connection from the region or area to a Member State with an interconnected system is completed.	within the meaning of Article 349 TFEU or to other geographically isolated areas. Any such derogation shall expire from the moment a connection from the region or area to a Member State with an interconnected system is completed.	within the meaning of Article 349 TFEU or to other geographically isolated areas. Any such derogation shall expire from the moment a connection from the region or area to a Member State with an interconnected system is completed.	
1003a			**2a. Luxembourg may derogate from Article 54. Any such derogation shall be notified to the Commission.**	
Article 80(3)				
1004	3. The Commission shall inform the Member States of applications for derogations referred to in paragraphs 1 and 2 before taking a decision, taking into account justified requests for confidentiality of commercially sensitive information.	3. The Commission shall inform the Member States of applications for derogations referred to in paragraphs 1 and 2 before taking a decision, taking into account justified requests for confidentiality of commercially sensitive information.	3. The Commission shall inform the Member States of applications for derogations referred to in ~~paragraphs 1 and 2~~ **paragraph 2** before taking a decision, taking into account justified requests for confidentiality of commercially sensitive information.	
Article 80(4)				
1005	4. Derogations granted by the Commission shall be limited in time and subject to conditions that	4. Derogations granted by the Commission shall be limited in time and subject to conditions that	4. Derogations granted by the Commission **pursuant paragraph 2** shall be limited in time and	

	aim to increase competition in and the integration of the internal market and to ensure that the derogations do not hamper the transition towards renewable energy or the application of the energy efficiency first principle within the meaning of Article 2, point (18) of Regulation (EU) 2018/1999.	aim to increase competition in and the integration of the internal market and to ensure that the derogations do not hamper the transition towards renewable energy or the application of the energy efficiency first principle within the meaning of Article 2, point (18) of Regulation (EU) 2018/1999.	subject to conditions that aim to increase competition in and the integration of the internal market and to ensure that the derogations do not hamper the transition towards renewable energy or the application of the energy efficiency first principle within the meaning of Article 2, point (18) of Regulation (EU) 2018/1999.	
Article 80(5)				
1006	5. Derogations pursuant to Directive 2009/73/EC without an expiry date shall expire on 31 December 2025. Member States that at the time of entry into force of this Directive are still benefitting from these derogations may apply to the Commission for a new derogation in accordance with the conditions established in this Article.	5. Derogations pursuant to Directive 2009/73/EC without an expiry date shall expire on 31 December 2025. Member States that at the time of entry into force of this Directive are still benefitting from these derogations may apply to the Commission for a new derogation in accordance with the conditions established in this Article.	5. Derogations pursuant to Directive 2009/73/EC without an expiry date **or without defined period of application** shall expire on 31 December 2025. Member States that at the time of entry into force of this Directive are still benefitting from these derogations may **decide for a new derogation pursuant paragraphs 1 or 5a, or they may** apply to the Commission for a new derogation in accordance with the conditions established in ~~this Article~~**paragraph 2**.	
1006a			**5a. Member States that receive the first commercial supply of**	

			their first long-term natural gas supply contract after the entry into force of this Directive may derogate from Articles 3(1) to (4), 4(1), 7, 27(1), 30, 35(1) to (5), 39, 40(6), 42, 54, 55 and 69. Any such derogation shall be notified to the Commission.	
Article 80(6)				
1007	6. Decisions to grant derogations shall be published in the Official Journal of the European Union.	6. Decisions to grant derogations shall be published in the Official Journal of the European Union.	6. **Notifications of derogations as well as** decisions to grant derogations **referred to in paragraphs 1, 2, 2a and 5a** shall be published in the Official Journal of the European Union.	
1007a			**Article 80a** **Derogations for hydrogen**	
Article 80a, first subparagraph				
1007b			**1. Until 31 December 2030, Estonia, Latvia and Lithuania may derogate from Article 63. Any such derogation shall be notified to the Commission.**	
Article 81				

1008	Article 81 Derogations in relation to natural gas transmission lines to and from third countries	Article 81 Derogations in relation to natural gas transmission lines to and from third countries	Article 81 Derogations in relation to natural gas transmission lines to and from third countries	
Article 81(1), first subparagraph				
1009	1. In respect of gas transmission lines between a Member State and a third country completed before 23 May 2019, the Member State where the first connection point of such a transmission line with a Member State's network is located may decide to derogate from Articles 54, 65, 66 and 27 and Article 72(7), (9) and 73 (1) for the sections of such gas transmission line located in its territory and territorial sea, for objective reasons such as to enable the recovery of the investment made or for reasons of security of supply, provided that the derogation is not detrimental to competition on or the effective functioning of the internal market in natural gas, or to security of supply in the Union.	1. In respect of gas transmission lines between a Member State and a third country completed before 23 May 2019, the Member State where the first connection point of such a transmission line with a Member State's network is located may decide to derogate from Articles 54, 65, 66 and 27 and Article 72(7), (9) and 73 (1) for the sections of such gas transmission line located in its territory and territorial sea, for objective reasons such as to enable the recovery of the investment made or for reasons of security of supply, provided that the derogation is not detrimental to competition on or the effective functioning of the internal market in natural gas, or to security of supply in the Union.	1. In respect of gas transmission lines between a Member State and a third country completed before 23 May 2019, the Member State where the first connection point of such a transmission line with a Member State's network is located may decide to derogate from Articles 54, 65, 66 and 27 and Article 72(7), (9) and 73 (1) for the sections of such gas transmission line located in its territory and territorial sea, for objective reasons such as to enable the recovery of the investment made or for reasons of security of supply, provided that the derogation is not detrimental to competition on or the effective functioning of the internal market in natural gas, or to security of supply in the Union.	
Article 81(1), second subparagraph				
1010				

PUBLIC

	The derogation shall be limited in time up to 20 years based on objective justification, renewable if justified and may be subject to conditions which contribute to the achievement of the conditions in the first subparagraph.	The derogation shall be limited in time up to 20 years based on objective justification, renewable if justified and may be subject to conditions which contribute to the achievement of the conditions in the first subparagraph.	The derogation shall be limited in time up to 20 years based on objective justification, renewable if justified and may be subject to conditions which contribute to the achievement of the conditions in the first subparagraph.	
Article 81(1), third subparagraph				
1011	Such derogations shall not apply to transmission lines between a Member State and a third country which has the obligation to transpose this Directive and which effectively implements this Directive in its legal order under an agreement concluded with the Union.	Such derogations shall not apply to transmission lines between a Member State and a third country which has the obligation to transpose this Directive and which effectively implements this Directive in its legal order under an agreement concluded with the Union.	Such derogations shall not apply to transmission lines between a Member State and a third country which has the obligation to transpose this Directive and which effectively implements this Directive in its legal order under an agreement concluded with the Union.	
Article 81(2), first subparagraph				
1012	2. Where the transmission line concerned is located in the territory of more than one Member State, the Member State in the territory of which the first connection point with the Member States' network is located shall decide whether to grant a derogation for that transmission line after consulting all the Member States concerned.	2. Where the transmission line concerned is located in the territory of more than one Member State, the Member State in the territory of which the first connection point with the Member States' network is located shall decide whether to grant a derogation for that transmission line after consulting all the Member States concerned.	2. Where the transmission line concerned is located in the territory of more than one Member State, the Member State in the territory of which the first connection point with the Member States' network is located shall decide whether to grant a derogation for that transmission line after consulting all the Member States concerned.	

Article 81(2), second subparagraph				
1013	Upon request by the Member States concerned, the Commission may decide to act as an observer in the consultation between the Member State in the territory of which the first connection point is located and the third country concerning the consistent application of this Directive in the territory and territorial sea of the Member State where the first interconnection point is located, including the granting of derogations for such transmission lines.	Upon request by the Member States concerned, the Commission may decide to act as an observer in the consultation between the Member State in the territory of which the first connection point is located and the third country concerning the consistent application of this Directive in the territory and territorial sea of the Member State where the first interconnection point is located, including the granting of derogations for such transmission lines.	Upon request by the Member States concerned, the Commission may decide to act as an observer in the consultation between the Member State in the territory of which the first connection point is located and the third country concerning the consistent application of this Directive in the territory and territorial sea of the Member State where the first interconnection point is located, including the granting of derogations for such transmission lines.	
Article 81(3)				
1014	3. Decisions pursuant to paragraphs 1 and 2 shall be adopted by 24 May 2020. Member States shall notify any such decisions to the Commission and shall publish them.	3. Decisions pursuant to paragraphs 1 and 2 shall be adopted by 24 May 2020. Member States shall notify any such decisions to the Commission and shall publish them.	3. Decisions pursuant to paragraphs 1 and 2 shall be adopted by 24 May 2020. Member States shall notify any such decisions to the Commission and shall publish them.	
Article 82				
1015	Article 82 Empowerment procedure	Article 82 Empowerment procedure	Article 82 Empowerment procedure	

PUBLIC

Article 82(1)				
1016	1. Without prejudice to other obligations under Union law, and to the allocation of competence between the Union and the Member States, existing agreements between a Member State and a third country on the operation of a transmission line or an upstream pipeline network may be maintained in force until the entry into force of a subsequent agreement between the Union and the same third country or until the procedure under paragraphs 2 to 15 of this Article applies.	1. Without prejudice to other obligations under Union law, and to the allocation of competence between the Union and the Member States, existing agreements between a Member State and a third country on the operation of a transmission line or an upstream pipeline network may be maintained in force until the entry into force of a subsequent agreement between the Union and the same third country or until the procedure under paragraphs 2 to 15 of this Article applies.	1. Without prejudice to other obligations under Union law, and to the allocation of competence between the Union and the Member States, existing agreements between a Member State and a third country on the operation of a transmission line or an upstream pipeline network may be maintained in force until the entry into force of a subsequent agreement between the Union and the same third country or until the procedure under paragraphs 2 to 15 of this Article applies.	
Article 82(2), first subparagraph				
1017	2. Without prejudice to the allocation of competence between the Union and the Member States, where a Member State intends to enter into negotiations with a third country in order to amend, extend, adapt, renew or conclude an agreement on the operation of a transmission line with a third country concerning matters falling, entirely or partly, within the scope of this Directive, it shall notify the	2. Without prejudice to the allocation of competence between the Union and the Member States, where a Member State intends to enter into negotiations with a third country in order to amend, extend, adapt, renew or conclude an agreement on the operation of a transmission line with a third country concerning matters falling, entirely or partly, within the scope of this Directive, it shall notify the	2. Without prejudice to the allocation of competence between the Union and the Member States, where a Member State intends to enter into negotiations with a third country in order to amend, extend, adapt, renew or conclude an agreement on the operation of a transmission line with a third country **or a hydrogen interconnector with a third country** concerning matters	

PUBLIC

	Commission of its intention in writing.	Commission of its intention in writing.	falling, entirely or partly, within the scope of this Directive **or of the [recast Gas Regulation]**, it shall notify the Commission of its intention in writing.	
Article 82(2), second subparagraph				
1018	Such a notification shall include the relevant documentation and an indication of the provisions to be addressed in the negotiations or to be renegotiated, the objectives of the negotiations and any other relevant information, and shall be transmitted to the Commission at least five months before the intended start of the negotiations.	Such a notification shall include the relevant documentation and an indication of the provisions to be addressed in the negotiations or to be renegotiated, the objectives of the negotiations and any other relevant information, and shall be transmitted to the Commission at least five months before the intended start of the negotiations.	Such a notification shall include the relevant documentation and an indication of the provisions to be addressed in the negotiations or to be renegotiated, the objectives of the negotiations and any other relevant information, and shall be transmitted to the Commission at least five months before the intended start of the negotiations.	
Article 82(3)				
1019	3. Further to any notification pursuant to paragraph 2, the Commission shall authorise the Member State concerned to enter into formal negotiations with a third country for the part which may affect Union common rules unless it considers that the opening of such negotiations would:	3. Further to any notification pursuant to paragraph 2, the Commission shall authorise the Member State concerned to enter into formal negotiations with a third country for the part which may affect Union common rules unless it considers that the opening of such negotiations would:	3. Further to any notification pursuant to paragraph 2, the Commission shall authorise the Member State concerned to enter into formal negotiations with a third country for the part which may affect Union common rules unless it considers that the opening of such negotiations would:	
Article 82(3), point (a)				

PUBLIC

1020	(a) be in conflict with Union law other than the incompatibilities arising from the allocation of competence between the Union and the Member States;	(a) be in conflict with Union law other than the incompatibilities arising from the allocation of competence between the Union and the Member States;	(a) be in conflict with Union law other than the incompatibilities arising from the allocation of competence between the Union and the Member States;	
Article 82(3), point (b)				
1021	(b) be detrimental to the functioning of the internal market in natural gas, competition or security of supply in a Member State or in the Union;	(b) be detrimental to the functioning of the internal market in natural gas, competition or security of supply in a Member State or in the Union;	(b) be detrimental to the functioning of the internal market in natural gas **or hydrogen**, competition or security of supply in a Member State or in the Union**, taking into account the principle of solidarity between Member States pursuant to Article 194(1) of the TFEU**;	
Article 82(3), point (c)				
1022	(c) undermine the objectives of pending negotiations of intergovernmental agreements by the Union with a third country;	(c) undermine the objectives of pending negotiations of intergovernmental agreements by the Union with a third country;	(c) undermine the objectives of pending negotiations of ~~intergovernmental~~**international** agreements by the Union with a third country;	
Article 82(3), point (d)				
1023	(d) be discriminatory.	(d) be discriminatory.	(d) be discriminatory.	
Article 82(4)				

1024	4. When carrying out the assessment under paragraph 3, the Commission shall take into account whether the intended agreement concerns a transmission line or an upstream pipeline that contributes to the diversification of natural gas supplies and suppliers by means of new natural gas sources.	4. When carrying out the assessment under paragraph 3, the Commission shall take into account whether the intended agreement concerns a transmission line or an upstream pipeline that contributes to the diversification of natural gas supplies and suppliers by means of new natural gas sources.	4. When carrying out the assessment under paragraph 3, the Commission shall take into account whether the intended agreement concerns a transmission line or an upstream pipeline that contributes to the diversification of natural gas supplies and suppliers by means of new natural gas sources.	
Article 82(5)				
1025	5. Within 90 days of receipt of the notification referred to in paragraph 2, the Commission shall adopt a decision authorising or refusing to authorise a Member State to enter into negotiations in order to amend, extend, adapt, renew or conclude an agreement with a third country. Where additional information is needed to adopt a decision, the 90-day period shall run from the date of receipt of such additional information.	5. Within 90 days of receipt of the notification referred to in paragraph 2, the Commission shall adopt a decision authorising or refusing to authorise a Member State to enter into negotiations in order to amend, extend, adapt, renew or conclude an agreement with a third country. Where additional information is needed to adopt a decision, the 90-day period shall run from the date of receipt of such additional information.	5. Within 90 days of receipt of the notification referred to in paragraph 2, the Commission shall adopt a decision authorising or refusing to authorise a Member State to enter into negotiations in order to amend, extend, adapt, renew or conclude an agreement with a third country. Where additional information is needed to adopt a decision, the 90-day period shall run from the date of receipt of such additional information.	
Article 82(6)				
1026	6. In the event that the Commission adopts a decision refusing to authorise a Member	6. In the event that the Commission adopts a decision refusing to authorise a Member	6. In the event that the Commission adopts a decision refusing to authorise a Member	

	State to enter into negotiations in order to amend, extend, adapt, renew or conclude an agreement with a third country, it shall inform the Member State concerned accordingly and shall give the reasons therefor.	State to enter into negotiations in order to amend, extend, adapt, renew or conclude an agreement with a third country, it shall inform the Member State concerned accordingly and shall give the reasons therefor.	State to enter into negotiations in order to amend, extend, adapt, renew or conclude an agreement with a third country, it shall inform the Member State concerned accordingly and shall give the reasons ~~therefor~~**therefore**.	
Article 82(7)				
1027	7. Decisions authorising or refusing to authorise a Member State to enter into negotiations in order to amend, extend, adapt, renew or conclude an agreement with a third country shall be adopted, by means of implementing acts, in accordance with the procedure referred to in Article 83(2).	7. Decisions authorising or refusing to authorise a Member State to enter into negotiations in order to amend, extend, adapt, renew or conclude an agreement with a third country shall be adopted, by means of implementing acts, in accordance with the procedure referred to in Article 83(2).	7. Decisions authorising or refusing to authorise a Member State to enter into negotiations in order to amend, extend, adapt, renew or conclude an agreement with a third country shall be adopted, by means of implementing acts, in accordance with the procedure referred to in Article 83(2).	
Article 82(8)				
1028	8. The Commission may provide guidance and may request the inclusion of particular clauses in the agreement envisaged, in order to ensure compatibility with Union law in accordance with Decision (EU) 2017/684 of the European Parliament and of the Council[1].	8. The Commission may provide guidance and may request the inclusion of particular clauses in the agreement envisaged, in order to ensure compatibility with Union law in accordance with Decision (EU) 2017/684 of the European Parliament and of the Council[1].	8. The Commission may provide guidance and may request the inclusion of particular clauses in the agreement envisaged, in order to ensure compatibility with Union law in accordance with Decision (EU) 2017/684 of the European Parliament and of the Council[1].	

	1. Decision (EU) 2017/684 of the European Parliament and of the Council of 5 April 2017 on establishing an information exchange mechanism with regard to intergovernmental agreements and non-binding instruments between Member States and third countries in the field of energy, and repealing Decision No 994/2012/EU (OJ L 99, 12.4.2017, p. 1).	1. Decision (EU) 2017/684 of the European Parliament and of the Council of 5 April 2017 on establishing an information exchange mechanism with regard to intergovernmental agreements and non-binding instruments between Member States and third countries in the field of energy, and repealing Decision No 994/2012/EU (OJ L 99, 12.4.2017, p. 1).	1. Decision (EU) 2017/684 of the European Parliament and of the Council of 5 April 2017 on establishing an information exchange mechanism with regard to intergovernmental agreements and non-binding instruments between Member States and third countries in the field of energy, and repealing Decision No 994/2012/EU (OJ L 99, 12.4.2017, p. 1).	
Article 82(9)				
1029	9. The Commission shall be kept informed of the progress and results of the negotiations to amend, extend, adapt, renew or to conclude an agreement throughout the different stages of such negotiations and may request to participate in such negotiations between the Member State and the third country in accordance with Decision (EU) 2017/684.	9. The Commission shall be kept informed of the progress and results of the negotiations to amend, extend, adapt, renew or to conclude an agreement throughout the different stages of such negotiations and may request to participate in such negotiations between the Member State and the third country in accordance with Decision (EU) 2017/684.	9. The Commission shall be kept informed of the progress and results of the negotiations to amend, extend, adapt, renew or to conclude an agreement throughout the different stages of such negotiations and may request to participate in such negotiations between the Member State and the third country in accordance with Decision (EU) 2017/684.	
Article 82(10)				
1030	10. The Commission shall inform the European Parliament and the Council of the decisions adopted pursuant to paragraph 5.	10. The Commission shall inform the European Parliament and the Council of the decisions adopted pursuant to paragraph 5.	10. The Commission shall inform the European Parliament and the Council of the decisions adopted pursuant to paragraph 5.	
Article 82(11)				
1031				

	11. Before signing an agreement with a third country, the Member State concerned shall notify the Commission of the outcome of negotiations and shall transmit the text of the negotiated agreement to the Commission.	11. Before signing an agreement with a third country, the Member State concerned shall notify the Commission of the outcome of negotiations and shall transmit the text of the negotiated agreement to the Commission.	11. Before signing an agreement with a third country, the Member State concerned shall notify the Commission of the outcome of negotiations and shall transmit the text of the negotiated agreement to the Commission.	
Article 82(12)				
1032	12. Upon notification pursuant to paragraph 11, the Commission shall assess the negotiated agreement pursuant to paragraph 3. Where the Commission finds that the negotiations have resulted in an agreement which complies with paragraph 3, it shall authorise the Member State to sign and conclude the agreement.	12. Upon notification pursuant to paragraph 11, the Commission shall assess the negotiated agreement pursuant to paragraph 3. Where the Commission finds that the negotiations have resulted in an agreement which complies with paragraph 3, it shall authorise the Member State to sign and conclude the agreement.	12. Upon notification pursuant to paragraph 11, the Commission shall assess the negotiated agreement pursuant to paragraph 3. Where the Commission finds that the negotiations have resulted in an agreement which complies with paragraph 3, it shall authorise the Member State to sign and conclude the agreement.	
Article 82(13)				
1033	13. Within 90 days of receipt of the notification referred to in paragraph 11, the Commission shall adopt a decision authorising or refusing to authorise a Member State to sign and conclude the agreement with a third country. Where additional information is needed to adopt a decision, the 90-day period shall run from the date	13. Within 90 days of receipt of the notification referred to in paragraph 11, the Commission shall adopt a decision authorising or refusing to authorise a Member State to sign and conclude the agreement with a third country. Where additional information is needed to adopt a decision, the 90-day period shall run from the date	13. Within 90 days of receipt of the notification referred to in paragraph 11, the Commission shall adopt a decision authorising or refusing to authorise a Member State to sign and conclude the agreement with a third country. Where additional information is needed to adopt a decision, the 90-day period shall run from the date	

PUBLIC

	of receipt of such additional information.	of receipt of such additional information.	of receipt of such additional information.	
Article 82(14)				
1034	14. Where the Commission adopts a decision pursuant to paragraph 13, authorising a Member State to sign and conclude the agreement with a third country, the Member State concerned shall notify the Commission of the conclusion and entry into force of the agreement, and of any subsequent changes to the status of that agreement.	14. Where the Commission adopts a decision pursuant to paragraph 13, authorising a Member State to sign and conclude the agreement with a third country, the Member State concerned shall notify the Commission of the conclusion and entry into force of the agreement, and of any subsequent changes to the status of that agreement.	14. Where the Commission adopts a decision pursuant to paragraph 13, authorising a Member State to sign and conclude the agreement with a third country, the Member State concerned shall notify the Commission of the conclusion and entry into force of the agreement, and of any subsequent changes to the status of that agreement.	
Article 82(15)				
1035	15. In the event that the Commission adopts a decision refusing to authorise a Member State to sign and conclude the agreement with a third country pursuant to paragraph 13, it shall inform the Member State concerned accordingly and shall give the reasons therefor.	15. In the event that the Commission adopts a decision refusing to authorise a Member State to sign and conclude the agreement with a third country pursuant to paragraph 13, it shall inform the Member State concerned accordingly and shall give the reasons therefor.	15. In the event that the Commission adopts a decision refusing to authorise a Member State to sign and conclude the agreement with a third country pursuant to paragraph 13, it shall inform the Member State concerned accordingly and shall give the reasons therefor.	
Article 83				
1036	Article 83 Exercise of the delegation	Article 83 Exercise of the delegation	Article 83 Exercise of the delegation	

PUBLIC

Article 83(1)				
1037	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
Article 83(2)				
1038	2. The power to adopt delegated acts referred to in Articles 8, 56, 66, 74, 75 and 76 shall be conferred on the Commission for an indeterminate period of time from [date of entry into force].	2. The power to adopt delegated acts referred to in Articles 8, 56, 66, 74, 75 and 76 shall be conferred on the Commission for an indeterminate period of time from [date of entry into force].	2. The power to adopt delegated acts referred to in Articles 8, 56, 66, 74, 75 and 76 shall be conferred on the Commission for an indeterminate period of time from [date of entry into force].	
Article 83(3)				
1039	3. The delegation of power referred to in Articles 8, 56, 66, 74, 75 and 76 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date	3. The delegation of power referred to in Articles 8, 56, 66, 74, 75 and 76 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date	3. The delegation of power referred to in Articles 8, 56, 66, 74, 75 and 76 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date	

PUBLIC

	specified therein. It shall not affect the validity of any delegated act already in force.	specified therein. It shall not affect the validity of any delegated act already in force.	specified therein. It shall not affect the validity of any delegated act already in force.	
Article 83(4)				
1040	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ***as well as all relevant stakeholders***. ***The European Scientific Advisory Board on Climate Change Commission may give an opinion to the Commission as to whether the delegated act contributes to achieving the Union's energy and climate targets.***	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	
Article 83(5)				
1041	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
Article 83(6)				
1042				

PUBLIC

	6. A delegated act adopted pursuant to Articles 8, 56, 66, 74, 75 and 76 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Articles 8, 56, 66, 74, 75 and 76 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Articles 8, 56, 66, 74, 75 and 76 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	
Article 84				
1043	Article 84 Committee procedure	Article 84 Committee procedure	Article 84 Committee procedure	
Article 84(1)				
1044	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	
Article 84(2)				

1045	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	
Article 84(3)				
1046	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	
Article 85				
1047	Article 85 Review and reporting	Article 85 Review and reporting	Article 85 Review and reporting	
Article 85, first paragraph				
1048	By 31 December 2030 the Commission shall review this Directive and shall submit a report to the European Parliament and to the Council. The review shall in particular examine the application of Article 8, and related definitions in Article 2, to assess whether facilities that begin operation from 1 January 2031 should demonstrate higher greenhouse gas emission savings from the use of low carbon fuels and low carbon hydrogen to receive	By 31 December 2030**,** the Commission shall review this Directive and shall submit a report to the European Parliament and to the Council. The review shall in particular examine the application of Article 8, and ***the*** related definitions in Article 2, to assess whether facilities that begin operation from 1 January 2031 demonstrate higher greenhouse gas emission savings from the use of low**-**carbon fuels and low**-**carbon hydrogen to receive	**1.** By 31 December 2030 the Commission shall review this Directive and shall submit a report to the European Parliament and to the Council~~. The review shall in particular examine the application of Article 8, and related definitions in Article 2, to assess whether facilities that begin operation from 1 January 2031 should demonstrate higher greenhouse gas emission savings from the use of low-carbon fuels and low carbon hydrogen to receive~~	

PUBLIC

	certification pursuant to that Article..	certification pursuant to that Article. ▌	~~certification pursuant to that Article..~~**, accompanied, if necessary, by appropriate legislative proposals. The review shall in particular examine:**	
Article 85, first paragraph, point (i)				
1048a			**(i) the application of Article 8, and related definitions in Article 2, to assess whether facilities that begin operation from 1 January 2031 should demonstrate higher greenhouse gas emission savings from the use of low carbon fuels and low carbon hydrogen to receive certification pursuant to that Article.**	
Article 85, first paragraph, point (ii)				
1048b			**(ii) the application of a uniform regulatory framework to hydrogen network operators without distinction between the functions of hydrogen transmission and hydrogen distribution, including the impact of applying the requirements set out in Article 62 to all hydrogen networks.**	

PUBLIC

Article 85(2)				
1048c			**2. By 31 December 2031 the Commission shall assess implementation of rules on independent transmission operators for natural gas on designated integrated hydrogen network operators, taking into account hydrogen market functioning, competition, liquidity and hydrogen infrastructure development, and submit a report to the European Parliament and to the Council. The report shall set out the findings of the Commission's assessment. Where appropriate, the Commission shall propose a review of the provisions set out in this paragraph.**	*EP alternative of assessment by ACER would be acceptable*
1048d		***By ... [10 years after the date of entry into force of this Directive], ACER shall assess the implementation of Article 42 with regard to hydrogen distribution network operators, and the implementation of Articles 62 and 69, taking into account the direct influence of those Articles on the hydrogen market functioning,***		

		competition, liquidity, hydrogen infrastructure development and its transparency. The assessment shall be carried out after consulting the relevant stakeholders. ACER shall set out the findings of the assessment in a report. The report shall be made publicly available. The report shall include an opinion on dedicated horizontal unbundling rules for hydrogen transmission network operators.		
1048e		***Where quantitatively and qualitatively substantiated structural shortcomings of this Directive are identified, the Commission may, where appropriate, submit a legislative proposal amending those shortcomings.***		
Article 86				
1049	Article 86 Amendments to Directive 2012/27/EU	Article 86 Amendments to Directive 2012/27/EU	Article 86 Amendments to Directive 2012/27/EU	
Article 86, first paragraph				

PUBLIC

1050	Directive 2012/27/EU is amended as follows:	Directive 2012/27/EU is amended as follows:	Directive 2012/27/EU is amended as follows:	
Article 86, first paragraph, point (1)				
1051	(1) Articles 9, 10 and 11 are deleted;	(1) Articles 9, 10 and 11 are deleted;	(1) Articles 9, 10 and 11 are deleted;	
Article 86, first paragraph, point (2)				
1052	(2) Annex VII is deleted.	(2) Annex VII is deleted.	(2) Annex VII is deleted.	
Article 87				
1053	Article 87 Transposition	Article 87 Transposition	Article 87 Transposition	
Article 87(1), first subparagraph				
1054	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 2 to 5, Article 7 to 25, Articles 26, 27, and 29, Article 31 to 34, Article 35 (1) (a), (3), (4), (7),(8) and (9), Article 37 and 38, Article 40 (1), (2), (7), (8), and (9), Article 41, Article 42 (2), Article 46 to 53, Articles 56 and 58(11), Article 62	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 2 to 5, Article 7 to 25, Articles 26, 27, and 29, Article 31 to 34, Article 35 (1) (a), (3), (4), (7),(8) and (9), Article 37 and 38, Article 40 (1), (2), (7), (8), and (9), Article 41, Article 42 (2), Article 46 to 53, Articles 56 and 58(11), Article 62	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with ~~Article~~**Articles** 2 to 5, ~~Article 7 to 25, Articles 26, 27, and~~**Articles 7 to 27, Article** 29, Article 31 to 34, Article 35 (1) (a), (3), (4), (7),(8) and (9), ~~Article~~**Articles** 37 and 38, Article 40 (1), (2), (7), (8), and (9), Article 41, Article 42 (2),	

PUBLIC

	to 69, Article 70 (5) and (6), Article 71 to 73, Article 75 (1), (5), (6) and (9), Article 76 and 77, Annex I and Annex II by 31 December 2023. They shall immediately communicate the text of those measures to the Commission.	to 69, Article 70 (5) and (6), Article 71 to 73, Article 75 (1), (5), (6) and (9), Article 76 and 77, Annex I and Annex II by 31 December 2023. They shall immediately communicate the text of those measures to the Commission.	~~Article~~**Articles** 46 to 53, Articles 56 and 58(11), ~~Article~~**Articles** 62 to 69, Article 70 (5) and (6), ~~Article~~**Articles** 71 to 73, Article 75 (1), (5), (6) and (9), ~~Article~~**Articles** 76 and 77, Annex I and Annex II by ~~31 December 2023~~**[two years after entry into force of this Directive]** . They shall immediately communicate the text of those measures to the Commission .	
Article 87(1), second subparagraph				
1055	When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made and how that statement is to be formulated.	When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made and how that statement is to be formulated.	When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made and how that statement is to be formulated.	
Article 87(2)				
1056	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	

Article 88				
1057	Article 88 Repeal	Article 88 Repeal	Article 88 Repeal	
Article 88, first paragraph				
1058	Directive 2009/73/EC, as amended by the acts listed in Annex III, Part A, is repealed with effect from 1 January 2023, without prejudice to the obligations of Member States concerning relating to the time-limits for the transposition into national law and the date of application of the Directives set out in Annex III, Part B.	Directive 2009/73/EC, as amended by the acts listed in Annex III, Part A, is repealed with effect from 1 January 2023, without prejudice to the obligations of Member States concerning relating to the time-limits for the transposition into national law and the date of application of the Directives set out in Annex III, Part B.	Directive 2009/73/EC, as amended by the acts listed in Annex III, Part A, is repealed with effect from **[**1 January 2023**]**, without prejudice to the obligations of Member States concerning relating to the time-limits for the transposition into national law and the date of application of the Directives set out in Annex III, Part B.	
Article 88, second paragraph				
1059	References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex IV.	References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex IV.	References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex IV.	
Article 89				
1060	Article 89 Entry into force	Article 89 Entry into force	Article 89 Entry into force	
Article 89, first paragraph				

PUBLIC

1061	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	
Article 90				
1062	Article 90 Addressees	Article 90 Addressees	Article 90 Addressees	
Article 90, first paragraph				
1063	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	
Formula				
1064	Done at Brussels,	Done at Brussels,	Done at Brussels,	
Formula				
1065	For the European Parliament	For the European Parliament	For the European Parliament	
Formula				
1066	The President	The President	The President	
Formula				

PUBLIC

1067	For the Council	For the Council	For the Council	
Formula				
1068	The President	The President	The President	
Annex I				
1069	Annex I	Annex I	Annex I	
Annex I, first paragraph				
1070	MINIMUM REQUIREMENTS FOR BILLING AND BILLING INFORMATION FOR GASES	MINIMUM REQUIREMENTS FOR BILLING AND BILLING INFORMATION FOR GASES	MINIMUM REQUIREMENTS FOR BILLING AND BILLING INFORMATION FOR GASES	
Annex I, point (1)				
1071	1. Minimum information to be contained on the bill and in the billing information for gases	1. Minimum information to be contained on the bill and in the billing information for gases	1. Minimum information to be contained on the bill and in the billing information for gases	
Annex I, first paragraph				
1072	1.1. The following key information shall be prominently displayed to final customers in their bills, distinctly separate from other parts of the bill:	1.1. The following key information shall be prominently displayed to final customers in their bills, distinctly separate from other parts of the bill:	1.1. The following key information shall be prominently displayed to final customers in their bills, distinctly separate from other parts of the bill:	

PUBLIC

Annex I, first paragraph, point (a)				
1073	(a) the price to be paid and a breakdown of the price where possible, together with a clear statement that all energy sources may also benefit from incentives that were not financed through the levies indicated in the breakdown of the price;	(a) the price to be paid and a breakdown of the price where possible, together with a clear statement that all energy sources may also benefit from incentives that were not financed through the levies indicated in the breakdown of the price;	(a) the price to be paid and a breakdown of the price where possible, together with a clear statement that all energy sources may also benefit from incentives that were not financed through the levies indicated in the breakdown of the price;	
Annex I, first paragraph, point (b)				
1074	(b) the date on which payment is due.	(b) the date on which payment is due.	(b) the date on which payment is due.	
Annex I, second paragraph				
1075	1.2. The following key information shall be prominently displayed to final customers in their bills and billing information, distinctly separate from other parts of the bill and billing information:	1.2. The following key information shall be prominently displayed to final customers in their bills and billing information, distinctly separate from other parts of the bill and billing information:	1.2. The following key information shall be prominently displayed to final customers in their bills and billing information, distinctly separate from other parts of the bill and billing information:	
Annex I, second paragraph, point (a)				
1076	(a) consumption of gases for the billing period;	(a) consumption of ***gas*** for the billing period;	(a) consumption of gases for the billing period;	

PUBLIC

Annex I, second paragraph, point (b)				
1077	(b) the name and contact details of the supplier, including a consumer support hotline and email address;	(b) the name and contact details of the supplier, including a consumer support hotline and email address;	(b) the name and contact details of the supplier, including a consumer support hotline and email address;	
Annex I, second paragraph, point (c)				
1078	(c) the tariff name;	(c) the tariff name;	(c) the tariff name;	
Annex I, second paragraph, point (d)				
1079	(d) the end date of the contract, if applicable;	(d) the end date of the contract, if applicable;	(d) the end date of the contract, if applicable;	
Annex I, second paragraph, point (e)				
1080	(e) the information on the availability and benefits of switching;	(e) the information on the availability and benefits of switching;	(e) the information on the availability and benefits of switching;	
Annex I, second paragraph, point (f)				
1081	(f) the final customer's switching code or unique identification code for the final customer's supply point;	(f) the final customer's switching code or unique identification code for the final customer's supply point;	(f) the final customer's switching code or unique identification code for the final customer's supply point;	
Annex I, second paragraph, point (g)				

PUBLIC

1082	(g) information on final customers' rights as regards out-of-court dispute settlement, including the contact details of the entity responsible pursuant to Article 24;	(g) information on final customers' rights as regards out-of-court dispute settlement, including the contact details of the entity responsible pursuant to Article 24;	(g) information on final customers' rights as regards out-of-court dispute settlement, including the contact details of the entity responsible pursuant to Article 24;	
Annex I, second paragraph, point (h)				
1083	(h) the single point of contact referred to in Article 23;	(h) the single point of contact referred to in Article 23;	(h) the single point of contact referred to in Article 23;	
Annex I, second paragraph, point (i)				
1084	(i) for natural gas only, a link or reference to where comparison tools referred to in Article 12 can be found.	(i) for natural gas only, a link or reference to where comparison tools referred to in Article 12 can be found.	(i) for natural gas only, a link or reference to where comparison tools referred to in Article 12 can be found.	
Annex I, third paragraph				
1085	1.3. Where bills are based on actual consumption or remote reading by the operator, the following information shall be made available to final customers in, with or signposted to within their bills and periodic settlement bills:	1.3. Where bills are based on actual consumption or remote reading by the operator, the following information shall be made available to final customers in, with or signposted to within their bills and periodic settlement bills:	1.3. Where bills are based on actual consumption or remote reading by the operator, the following information shall be made available to final customers in, with or signposted to within their bills and periodic settlement bills:	
Annex I, third paragraph, point (a)				

1086	(a) comparisons of the final customer's current consumption of gases with the final customer's consumption for the same period in the previous year in graphic form;	(a) comparisons of the final customer's current consumption of ***gas*** with the final customer's consumption for the same period in the previous year in graphic form;	(a) comparisons of the final customer's current consumption of gases with the final customer's consumption for the same period in the previous year in graphic form;	
Annex I, third paragraph, point (b)				
1087	(b) contact information for consumer organisations, energy agencies or similar bodies, including website addresses, from which information may be obtained on available energy efficiency improvement measures for energy-using equipment;	(b) contact information for consumer organisations, energy agencies or similar bodies, including website addresses, from which information may be obtained on available energy efficiency improvement measures for energy-using equipment;	(b) contact information for consumer organisations, energy agencies or similar bodies, including website addresses, from which information may be obtained on available energy efficiency improvement measures for energy-using equipment;	
Annex I, third paragraph, point (c)				
1088	(c) comparisons with an average normalised or benchmarked final customer in the same user category.	(c) comparisons with an average normalised or benchmarked final customer in the same user category.	(c) comparisons with an average normalised or benchmarked final customer in the same user category.	
Annex I, point (2)				
1089	2. Frequency of billing and the provision of billing information:	2. Frequency of billing and the provision of billing information:	2. Frequency of billing and the provision of billing information:	
Annex I, point (2)(a)				

PUBLIC

1090	(a) billing on the basis of actual consumption shall take place at least once a year;	(a) billing on the basis of actual consumption shall take place at least once a year;	(a) billing on the basis of actual consumption shall take place at least once a year;	
Annex I, point (2)(b)				
1091	(b) where the final customer does not have a meter that allows remote reading by the operator, or where the final customer has actively chosen to disable remote reading in accordance with national law, accurate billing information based on actual consumption shall be made available to the final customer at least every six months, or once every three months, if requested or where the final customer has opted to receive electronic billing;	(b) where the final customer does not have a meter that allows remote reading by the operator, or where the final customer has actively chosen to disable remote reading in accordance with national law, accurate billing information based on actual consumption shall be made available to the final customer at least every six months, or once every three months, if requested or where the final customer has opted to receive electronic billing;	(b) where the final customer does not have a meter that allows remote reading by the operator, or where the final customer has actively chosen to disable remote reading in accordance with national law, accurate billing information based on actual consumption shall be made available to the final customer at least every six months, or once every three months, if requested or where the final customer has opted to receive electronic billing;	
Annex I, point (2)(c)				
1092	(c) where the final customer does not have a meter that allows remote reading by the operator, or where the final customer has actively chosen to disable remote reading in accordance with national law, the obligations in points (a) and (b) may be fulfilled by means of a system of regular	(c) where the final customer does not have a meter that allows remote reading by the operator, or where the final customer has actively chosen to disable remote reading in accordance with national law, the obligations in points (a) and (b) may be fulfilled by means of a system of regular	(c) where the final customer does not have a meter that allows remote reading by the operator, or where the final customer has actively chosen to disable remote reading in accordance with national law, the obligations in points (a) and (b) may be fulfilled by means of a system of regular	

PUBLIC

	self-reading by the final customer, whereby the final customer communicates readings from the meter to the operator; billing or billing information may be based on estimated consumption or a flat rate only where the final customer has not provided a meter reading for a given billing interval;	self-reading by the final customer, whereby the final customer communicates readings from the meter to the operator; billing or billing information may be based on estimated consumption or a flat rate only where the final customer has not provided a meter reading for a given billing interval***. The estimated consumption shall be based on the previous year consumption and/or on the consumption of a comparable final customer***;	self-reading by the final customer, whereby the final customer communicates readings from the meter to the operator; billing or billing information may be based on estimated consumption or a flat rate only where the final customer has not provided a meter reading for a given billing interval;	
Annex I, point (2)(d)				
1093	(d) where the final customer has a meter that allows remote reading by the operator, accurate billing information based on actual consumption shall be provided at least every month; such information may also be made available via the internet, and shall be updated as frequently as allowed by the measurement devices and systems used.	(d) where the final customer has a meter that allows remote reading by the operator, accurate billing information based on actual consumption shall be provided at least every month; such information may also be made available via the internet, and shall be updated as frequently as allowed by the measurement devices and systems used.	(d) where the final customer has a meter that allows remote reading by the operator, accurate billing information based on actual consumption shall be provided at least every month; such information may also be made available via the internet, and shall be updated as frequently as allowed by the measurement devices and systems used.	
Annex I, point (3),				
1094	3. Breakdown of the final customer's price	3. Breakdown of the final customer's price	3. Breakdown of the final customer's price	

Annex I, point (3), first subparagraph				
1095	The customer's price is the sum of the following three components: the energy and supply component, the network component (transmission, distribution, transport) and the component comprising taxes, levies, fees and charges.	The customer's price is the sum of the following three components: the energy and supply component, the network component (transmission, distribution, transport) and the component comprising taxes, levies, fees and charges.	The customer's price is the sum of the following three components: the energy and supply component, the network component (transmission, distribution, transport) and the component comprising taxes, levies, fees and charges.	
Annex I, point (3), second subparagraph				
1096	Where a breakdown of the final customer's price is presented in bills, the common definitions of the three components in that breakdown established under Regulation (EU) 2016/1952 of the European Parliament and of the Council shall be used throughout the Union.	Where a breakdown of the final customer's price is presented in bills, the common definitions of the three components in that breakdown established under Regulation (EU) 2016/1952 of the European Parliament and of the Council shall be used throughout the Union.	Where a breakdown of the final customer's price is presented in bills, the common definitions of the three components in that breakdown established under Regulation (EU) 2016/1952 of the European Parliament and of the Council shall be used throughout the Union.	
Annex I, point (4)				
1097	4. Access to complementary information on historical consumption	4. Access to complementary information on historical consumption	4. Access to complementary information on historical consumption	
Annex I, point (4), first subparagraph				

PUBLIC

1098	Member States shall require that, to the extent that complementary information on historical consumption is available, such information is made available, at the request of the final customer, to the supplier or service provider designated by the final customer.	Member States shall require that, to the extent that complementary information on historical consumption is available, such information is made available, at the request of the final customer, to the supplier or service provider designated by the final customer.	Member States shall require that, to the extent that complementary information on historical consumption is available, such information is made available, at the request of the final customer, to the supplier or service provider designated by the final customer.	
Annex I, point (4), second subparagraph				
1099	Where the final customer has a meter that allows remote reading by the operator installed, the final customer shall have easy access to complementary information on historical consumption allowing detailed self-checks.	Where the final customer has a meter that allows remote reading by the operator installed, the final customer shall have easy access to complementary information on historical consumption allowing detailed self-checks.	Where the final customer has a meter that allows remote reading by the operator installed, the final customer shall have easy access to complementary information on historical consumption allowing detailed self-checks.	
Annex I, point (4), third subparagraph				
1100	Complementary information on historical consumption shall include:	Complementary information on historical consumption shall include:	Complementary information on historical consumption shall include:	
Annex I, point (4), third subparagraph, point (a)				
1101	(a) cumulative data for at least the three previous years or the period since the start of the gas supply contract, if that period is shorter.	(a) cumulative data for at least the three previous years or the period since the start of the gas supply contract, if that period is shorter.	(a) cumulative data for at least the three previous years or the period since the start of the gas supply contract, if that period is shorter.	

	The data shall correspond to the intervals for which frequent billing information has been produced; and	The data shall correspond to the intervals for which frequent billing information has been produced; and	The data shall correspond to the intervals for which frequent billing information has been produced; and	
Annex I, point (4), third subparagraph, point (b)				
1102	(b) detailed data according to the time of use for any day, week, month and year, which is made available to the final customer without undue delay via the internet or the meter interface, covering the period of at least the previous 24 months or the period since the start of the gas supply contract, if that period is shorter	(b) detailed data according to the time of use for any day, week, month and year, which is made available to the final customer without undue delay via the internet or the meter interface, covering the period of at least the previous 24 months or the period since the start of the gas supply contract, if that period is shorter	(b) detailed data according to the time of use for any day, week, month and year, which is made available to the final customer without undue delay via the internet or the meter interface, covering the period of at least the previous 24 months or the period since the start of the gas supply contract, if that period is shorter**.**	
Annex I, point (5)				
1103	5. Disclosure of energy sources	5. Disclosure of energy sources	5. Disclosure of energy sources	
Annex I, point (5), first subparagraph				
1104	Suppliers shall specify in bills the share of renewable and separately low carbon gas purchased by the final customer in accordance with the supply contract for gases (product level disclosure). In case of a mixture the supplier shall provide the same information	Suppliers shall specify in bills the share of renewable and separately ***low-carbon*** gas purchased by the final customer in accordance with the supply contract for ***gas*** (product level disclosure). In case of a mixture the supplier shall provide the same information	Suppliers shall specify in bills the share of renewable and separately low carbon gas purchased by the final customer in accordance with the supply contract for gases (product level disclosure). In case of a mixture the supplier shall provide the same information	

PUBLIC

	separately for different categories of gases, including renewable or low-carbon gas.	separately for different categories of ***gas***, including renewable ***gas*** or low-carbon gas.	separately for different categories of gases, including renewable or low-carbon gas.	
Annex I, point (5), second subparagraph				
1105	The following information shall be made available to final customers in, with, or signposted to within their bills and billing information:	The following information shall be made available to final customers in, with, or signposted to within their bills and billing information:	The following information shall be made available to final customers in, with, or signposted to within their bills and billing information:	
Annex I, point (5), second subparagraph, point (a)				
1106	(a) the share of renewable and low carbon gases in the mix of the supplier (at national level, namely in the Member State in which the supply contract for gases has been concluded, as well as at the level of the supplier if the supplier is active in several Member States) over the preceding year in a comprehensible and clearly comparable manner;	(a) the share of renewable ***gas and low-carbon gas*** in the mix of the supplier (at national level, namely in the Member State in which the supply contract for ***gas*** has been concluded, as well as at the level of the supplier if the supplier is active in several Member States) over the preceding year in a comprehensible and clearly comparable manner;	(a) the share of renewable and low carbon gases in the mix of the supplier (at national level, namely in the Member State in which the supply contract for gases has been concluded, as well as at the level of the supplier if the supplier is active in several Member States) over the preceding year in a comprehensible and clearly comparable manner;	
Annex I, point (5), second subparagraph, point (b)				
1107	(b) information on the environmental impact, in at least terms of CO2 emissions resulting from the gases supplied by the supplier over the preceding year.	(b) information on the environmental impact, in at least terms of CO2 emissions resulting from the ***gas*** supplied by the supplier over the preceding year.	(b) information on the environmental impact, in at least terms of CO2 emissions resulting from the gases supplied by the supplier over the preceding year.	

PUBLIC

Annex I, point (5), third subparagraph				
1108	As regards point (a) of the second subparagraph, with respect to gases obtained via a gas exchange or imported from an undertaking situated outside the Union, aggregate figures provided by the exchange or the undertaking in question over the preceding year may be used.	As regards point (a) of the second subparagraph, with respect to ***gas*** obtained via a gas exchange or imported from an undertaking situated outside the Union, aggregate figures provided by the exchange or the undertaking in question over the preceding year may be used.	As regards point (a) of the second subparagraph, with respect to gases obtained via a gas exchange or imported from an undertaking situated outside the Union, aggregate figures provided by the exchange or the undertaking in question over the preceding year may be used.	
Annex I, point (5), fourth subparagraph				
1109	The disclosure of the share of renewable gas purchased by the final customers shall be done by using guarantees of origin.	The disclosure of the share of renewable gas purchased by the final customers shall be done by using guarantees of origin ***in accordance with Article 19 of Directive (EU) 2018/2001 [amended RED]***.	The disclosure of the share of renewable gas purchased by the final customers shall be done by using guarantees of origin **based on Directive (EU) 2018/2001. When the customers consumes gas from a hydrogen or natural gas network, it shall be ensured that the GOs cancelled correspond to the relevant network characteristics**.	
Annex I, point (5), fifth subparagraph				
1110	The regulatory authority or another competent national authority shall take the necessary	The regulatory authority or another competent national authority shall take the necessary	The regulatory authority or another competent national authority shall take the necessary	

PUBLIC

	steps to ensure that the information provided by suppliers to final customers pursuant to this point is reliable and is provided at a national level in a clearly comparable manner.	steps to ensure that the information provided by suppliers to final customers pursuant to this point is reliable and is provided at a national level in a clearly comparable manner.	steps to ensure that the information provided by suppliers to final customers pursuant to this point is reliable and is provided at a national level in a clearly comparable manner.	
Annex II				
1111	Annex II	Annex II	Annex II	
Annex II, first paragraph				
1112	SMART METERING SYSTEMS IN NATURAL GAS	SMART METERING SYSTEMS IN NATURAL GAS	SMART METERING SYSTEMS IN NATURAL GAS **AND HYDROGEN**	
Annex II, first paragraph				
1113	1. Member States shall ensure the deployment of smart metering systems in their territories that may be subject to an economic assessment of all the long-term costs and benefits to the market and the individual consumer or which form of smart metering is economically reasonable and cost-effective and which timeframe is feasible for their distribution.	1. Member States shall ensure ***that any*** deployment of smart metering systems in their territories ***happens only after a positive*** economic assessment of all the long-term costs and benefits to the market and the individual consumer or which form of smart metering is economically reasonable and cost-effective and which timeframe is feasible for their distribution.	1. Member States shall ensure the deployment of- smart- metering systems in their territories that may be subject to an economic assessment of all the long-term costs and benefits to the market and the individual consumer or which form of smart- metering is economically reasonable and cost-effective and which timeframe is feasible for their distribution.	

PUBLIC

1113a		***1a. Such an economic assessment shall take into account network development plans referred to in to Article 51, in particular, paragraph 2, point (c) thereof, on decommissioning of networks.***		*We can support EP here*
Annex II, second paragraph, first subparagraph				
1114	2. Such assessment shall take into consideration the methodology for the cost-benefit analysis and the minimum functionalities for smart metering systems provided for in Commission Recommendation 2012/148/EU[1] to the extent that they are applicable for natural gas, as well as the best available techniques for ensuring the highest level of cybersecurity and data protection. _____ 1. Commission Recommendation 2012/148/EU of 9 March 2012 on preparations for the roll-out of smart metering systems (OJ L 73, 13.3.2012, p. 9).	2. Such assessment shall take into consideration the methodology for the cost-benefit analysis and the minimum functionalities for smart metering systems provided for in Commission Recommendation 2012/148/EU[1] to the extent that they are applicable for natural gas, as well as the best available techniques for ensuring the highest level of cybersecurity and data protection. _____ 1. Commission Recommendation 2012/148/EU of 9 March 2012 on preparations for the roll-out of smart metering systems (OJ L 73, 13.3.2012, p. 9).	2. Such assessment shall take into consideration the methodology for the cost-benefit analysis and the minimum functionalities for smart metering systems provided for in Commission Recommendation 2012/148/EU[1] to the extent that they are applicable for natural gas **and hydrogen**, as well as the best available techniques for ensuring the highest level of cybersecurity and data protection. _____ 1. Commission Recommendation 2012/148/EU of 9 March 2012 on preparations for the roll-out of smart metering systems (OJ L 73, 13.3.2012, p. 9).	
Annex II, second paragraph, second subparagraph				
1115				

PUBLIC

	Such assessment shall also duly consider potential synergies with an already rolled-out electricity smart metering infrastructure, or options for selective rollouts to cases that can quickly return net benefits to keep costs in check.	Such assessment shall also duly consider potential synergies with an already rolled-out electricity smart metering infrastructure, or options for selective rollouts to cases that can quickly return net benefits to keep costs in check.	Such assessment shall also duly consider potential synergies with an already rolled-out electricity smart metering infrastructure, or options for selective rollouts to cases that can quickly return net benefits to keep costs in check.	
Annex II, third paragraph, first subparagraph				
1116	3. Subject to that assessment, Member States, shall prepare a timetable with a target of up to ten years for the deployment of smart metering systems. Where the deployment of smart metering systems is assessed positively, at least 80 % of final customers shall be equipped with smart meters within seven years of the date of the positive assessment.	3. Subject to ***a positive*** assessment, Member States, shall prepare a timetable with a target of up to ten years for the deployment of smart metering systems. Where the deployment of smart metering systems is assessed positively, at least 80 % of final customers shall be equipped with smart meters within seven years of the date of the positive assessment.	3. Subject to that assessment, Member States , shall prepare a timetable with a target of up to ten years for the deployment of- smart metering systems. Where the deployment of smart metering systems is assessed positively, at least 80 % of final customers shall be equipped with smart meters within seven years of the date of the positive assessment.	
Annex III				
1117	Annex III	Annex III	Annex III	
Annex III, Part I				
1118	Part I Part A	Part I Part A	Part I Part A	
Annex III, first paragraph				

PUBLIC

1119	Repealed Directive with list of the successive amendments thereto (referred to in Article 90)	Repealed Directive with list of the successive amendments thereto (referred to in Article 90)	Repealed Directive with list of the successive amendments thereto (referred to in Article 90)	
Annex III, Table 1, Column 1, Row 1				
1120	Directive 2009/73/EC of the European Parliament and of the Council (OJ L 211, 14.8.2009, p. 94)	Directive 2009/73/EC of the European Parliament and of the Council (OJ L 211, 14.8.2009, p. 94)	Directive 2009/73/EC of the European Parliament and of the Council (OJ L 211, 14.8.2009, p. 94)	
Annex III, Table 1, Column 1, Row 2				
1121	Regulation (EU) 2018/1999 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1)	Regulation (EU) 2018/1999 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1)	Regulation (EU) 2018/1999 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1)	
Annex III, Table 1, Column 1, Row 3				
1122	Directive (EU) 2019/692 of the European Parliament and of the Council (OJ L 117, 3.5.2019, p. 1)	Directive (EU) 2019/692 of the European Parliament and of the Council (OJ L 117, 3.5.2019, p. 1)	Directive (EU) 2019/692 of the European Parliament and of the Council (OJ L 117, 3.5.2019, p. 1)	
Annex III, Table 1, Column 2, Row 1				
1123				

PUBLIC

Annex III, Table 1, Column 2, Row 2				
1124	Only Article 51	Only Article 51	Only Article 51	
Annex III, Table 1, Column 2, Row 3				
1125				
Annex III, Part II				
1126	Part II Part B	Part II Part B	Part II Part B	
Annex III, second paragraph				
1127	Time-limits for transposition into national law and date of application	Time-limits for transposition into national law and date of application	Time-limits for transposition into national law and date of application	
Annex III, third paragraph				
1128	(referred to in Article 90)	(referred to in Article 90)	(referred to in Article 90)	
Annex III, Table 2, Column 1, Row 1				
1129	Directive	Directive	Directive	
Annex III, Table 2, Column 1, Row 2				
1130	Directive 2009/73/EC	Directive 2009/73/EC	Directive 2009/73/EC	

PUBLIC

Annex III, Table 2, Column 1, Row 3				
1131	Directive (EU) 2019/692	Directive (EU) 2019/692	Directive (EU) 2019/692	
Annex III, Table 2, Column 2, Row 1				
1132	Time-limit for transposition	Time-limit for transposition	Time-limit for transposition	
Annex III, Table 2, Column 2, Row 2				
1133	3 March 2011	3 March 2011	3 March 2011	
Annex III, Table 2, Column 2, Row 3				
1134	24 February 2020	24 February 2020	24 February 2020	
Annex III, Table 2, Column 3, Row 1				
1135	Date of application	Date of application	Date of application	
Annex III, Table 2, Column 3, Row 2				
1136	3 March 2011, except as regards Article 11 3 March 2013 as regards Article 11	3 March 2011, except as regards Article 11 3 March 2013 as regards Article 11	3 March 2011, except as regards Article 11 3 March 2013 as regards Article 11	

PUBLIC

Annex III, Table 2, Column 3, Row 3				
1137				
Annex IV				
1138	Annex IV	Annex IV	Annex IV	
Annex IV, first paragraph				
1139	CORRELATION TABLE	CORRELATION TABLE	CORRELATION TABLE	
Annex IV, Table 4, Column 1, Row 1				
1140	Directive 2009/73/EC	Directive 2009/73/EC	Directive 2009/73/EC	
Annex IV, Table 4, Column 1, Row 2				
1141	Article 1(1)	Article 1(1)	Article 1(1)	
Annex IV, Table 4, Column 1, Row 3				
1142	Article 1(2)	Article 1(2)	Article 1(2)	
Annex IV, Table 4, Column 1, Row 4				
1143	-	-	-	
Annex IV, Table 4, Column 1, Row 5				

PUBLIC

1144	Article 2, introductory wording	Article 2, introductory wording	Article 2, introductory wording	
Annex IV, Table 4, Column 1, Row 6				
1145	-	-	-	
Annex IV, Table 4, Column 1, Row 7				
1146	Article 2, point 1	Article 2, point 1	Article 2, point 1	
Annex IV, Table 4, Column 1, Row 8				
1147	Article 2, point 2	Article 2, point 2	Article 2, point 2	
Annex IV, Table 4, Column 1, Row 9				
1148	Article 2, point 3	Article 2, point 3	Article 2, point 3	
Annex IV, Table 4, Column 1, Row 10				
1149	Article 2, point 4	Article 2, point 4	Article 2, point 4	
Annex IV, Table 4, Column 1, Row 11				
1150	Article 2, point 5	Article 2, point 5	Article 2, point 5	
Annex IV, Table 4, Column 1, Row 12				

PUBLIC

1151	Article 2, point 6	Article 2, point 6	Article 2, point 6	
Annex IV, Table 4, Column 1, Row 13				
1152	-	-	-	
Annex IV, Table 4, Column 1, Row 14				
1153	Article 2, point 7	Article 2, point 7	Article 2, point 7	
Annex IV, Table 4, Column 1, Row 15				
1154	Article 2, point 8	Article 2, point 8	Article 2, point 8	
Annex IV, Table 4, Column 1, Row 16				
1155	Article 2, point 9	Article 2, point 9	Article 2, point 9	
Annex IV, Table 4, Column 1, Row 17				
1156	Article 2, point 10	Article 2, point 10	Article 2, point 10	
Annex IV, Table 4, Column 1, Row 18				
1157	Article 2, point 11	Article 2, point 11	Article 2, point 11	
Annex IV, Table 4, Column 1, Row 19				

PUBLIC

1158	Article 2, point 12	Article 2, point 12	Article 2, point 12	
Annex IV, Table 4, Column 1, Row 20				
1159	Article 2, point 13	Article 2, point 13	Article 2, point 13	
Annex IV, Table 4, Column 1, Row 21				
1160	Article 2, point 14	Article 2, point 14	Article 2, point 14	
Annex IV, Table 4, Column 1, Row 22				
1161	Article 2, point 15	Article 2, point 15	Article 2, point 15	
Annex IV, Table 4, Column 1, Row 23				
1162	Article 2, point 16	Article 2, point 16	Article 2, point 16	
Annex IV, Table 4, Column 1, Row 24				
1163	Article 2, point 17	Article 2, point 17	Article 2, point 17	
Annex IV, Table 4, Column 1, Row 25				
1164	-	-	-	
Annex IV, Table 4, Column 1, Row 26				

PUBLIC

1165	Article 2, point 18	Article 2, point 18	Article 2, point 18	
Annex IV, Table 4, Column 1, Row 27				
1166	Article 2, point 19	Article 2, point 19	Article 2, point 19	
Annex IV, Table 4, Column 1, Row 28				
1167	Article 2, point 20	Article 2, point 20	Article 2, point 20	
Annex IV, Table 4, Column 1, Row 29				
1168	Article 2, point 21	Article 2, point 21	Article 2, point 21	
Annex IV, Table 4, Column 1, Row 30				
1169	Article 2, point 22	Article 2, point 22	Article 2, point 22	
Annex IV, Table 4, Column 1, Row 31				
1170	Article 2, point 23	Article 2, point 23	Article 2, point 23	
Annex IV, Table 4, Column 1, Row 32				
1171	Article 2, point 24	Article 2, point 24	Article 2, point 24	
Annex IV, Table 4, Column 1, Row 33				

PUBLIC

1172	Article 2, point 25	Article 2, point 25	Article 2, point 25	
Annex IV, Table 4, Column 1, Row 34				
1173	Article 2, point 26	Article 2, point 26	Article 2, point 26	
Annex IV, Table 4, Column 1, Row 35				
1174	Article 2, point 27	Article 2, point 27	Article 2, point 27	
Annex IV, Table 4, Column 1, Row 36				
1175	Article 2, point 28	Article 2, point 28	Article 2, point 28	
Annex IV, Table 4, Column 1, Row 37				
1176	-	-	-	
Annex IV, Table 4, Column 1, Row 38				
1177	Article 2, point 32	Article 2, point 32	Article 2, point 32	
Annex IV, Table 4, Column 1, Row 39				
1178	Article 2, point 34	Article 2, point 34	Article 2, point 34	
Annex IV, Table 4, Column 1, Row 40				

PUBLIC

1179	Article 2, point 35	Article 2, point 35	Article 2, point 35	
Annex IV, Table 4, Column 1, Row 41				
1180	Article 2, point 36	Article 2, point 36	Article 2, point 36	
Annex IV, Table 4, Column 1, Row 42				
1181	-	-	-	
Annex IV, Table 4, Column 1, Row 43				
1182	Article 37	Article 37	Article 37	
Annex IV, Table 4, Column 1, Row 44				
1183	-	-	-	
Annex IV, Table 4, Column 1, Row 45				
1184	Article 3	Article 3	Article 3	
Annex IV, Table 4, Column 1, Row 46				
1185	-	-	-	
Annex IV, Table 4, Column 1, Row 47				

PUBLIC

1186	Article 5 (11)	Article 5 (11)	Article 5 (11)	
Annex IV, Table 4, Column 1, Row 48				
1187	Article 7	Article 7	Article 7	
Annex IV, Table 4, Column 1, Row 49				
1188	Article 4 (1)	Article 4 (1)	Article 4 (1)	
Annex IV, Table 4, Column 1, Row 50				
1189	-	-	-	
Annex IV, Table 4, Column 1, Row 51				
1190	Article 4 (2)	Article 4 (2)	Article 4 (2)	
Annex IV, Table 4, Column 1, Row 52				
1191	-	-	-	
Annex IV, Table 4, Column 1, Row 53				
1192	-	-	-	
Annex IV, Table 4, Column 1, Row 54				

PUBLIC

1193	Article 4 (3)	Article 4 (3)	Article 4 (3)	
Annex IV, Table 4, Column 1, Row 55				
1194	Article 4 (4)	Article 4 (4)	Article 4 (4)	
Annex IV, Table 4, Column 1, Row 56				
1195	-	-	-	
Annex IV, Table 4, Column 1, Row 57				
1196	Article 8	Article 8	Article 8	
Annex IV, Table 4, Column 1, Row 58				
1197	-	-	-	
Annex IV, Table 4, Column 1, Row 59				
1198	-	-	-	
Annex IV, Table 4, Column 1, Row 60				
1199	-	-	-	
Annex IV, Table 4, Column 1, Row 61				

PUBLIC

1200	-	-	-	
Annex IV, Table 4, Column 1, Row 62				
1201	-	-	-	
Annex IV, Table 4, Column 1, Row 63				
1202	-	-	-	
Annex IV, Table 4, Column 1, Row 64				
1203	-	-	-	
Annex IV, Table 4, Column 1, Row 65				
1204	-	-	-	
Annex IV, Table 4, Column 1, Row 66				
1205	-	-	-	
Annex IV, Table 4, Column 1, Row 67				
1206	-	-	-	
Annex IV, Table 4, Column 1, Row 68				

PUBLIC

1207	-	-	-	
Annex IV, Table 4, Column 1, Row 69				
1208	-	-	-	
Annex IV, Table 4, Column 1, Row 70				
1209	-	-	-	
Annex IV, Table 4, Column 1, Row 71				
1210	-	-	-	
Annex IV, Table 4, Column 1, Row 72				
1211	-	-	-	
Annex IV, Table 4, Column 1, Row 73				
1212	-	-	-	
Annex IV, Table 4, Column 1, Row 74				
1213	-	-	-	
Annex IV, Table 4, Column 1, Row 75				

PUBLIC

1214	Article 32	Article 32	Article 32	
Annex IV, Table 4, Column 1, Row 76				
1215	-	-	-	
Annex IV, Table 4, Column 1, Row 77				
1216	Article 34	Article 34	Article 34	
Annex IV, Table 4, Column 1, Row 78				
1217	Article 33	Article 33	Article 33	
Annex IV, Table 4, Column 1, Row 79				
1218	Article 38	Article 38	Article 38	
Annex IV, Table 4, Column 1, Row 80				
1219	-	-	-	
Annex IV, Table 4, Column 1, Row 81				
1220	-	-	-	
Annex IV, Table 4, Column 1, Row 82				

PUBLIC

1221	-	-	-	
Annex IV, Table 4, Column 1, Row 83				
1222	Article 35	Article 35	Article 35	
Annex IV, Table 4, Column 1, Row 84				
1223	-	-	-	
Annex IV, Table 4, Column 1, Row 85				
1224	Article 13 (1) to (2)	Article 13 (1) to (2)	Article 13 (1) to (2)	
Annex IV, Table 4, Column 1, Row 86				
1225	-	-	-	
Annex IV, Table 4, Column 1, Row 87				
1226	Article 13 (3)	Article 13 (3)	Article 13 (3)	
Annex IV, Table 4, Column 1, Row 88				
1227	-	-	-	
Annex IV, Table 4, Column 1, Row 89				

PUBLIC

1228	Article 13 (5)	Article 13 (5)	Article 13 (5)	
Annex IV, Table 4, Column 1, Row 90				
1229	Article 16	Article 16	Article 16	
Annex IV, Table 4, Column 1, Row 91				
1230	-	-	-	
Annex IV, Table 4, Column 1, Row 92				
1231	Article 23	Article 23	Article 23	
Annex IV, Table 4, Column 1, Row 93				
1232	Article 24	Article 24	Article 24	
Annex IV, Table 4, Column 1, Row 94				
1233	Article 25(1)	Article 25(1)	Article 25(1)	
Annex IV, Table 4, Column 1, Row 95				
1234	-	-	-	
Annex IV, Table 4, Column 1, Row 96				

PUBLIC

1235	Article 25(2)	Article 25(2)	Article 25(2)	
Annex IV, Table 4, Column 1, Row 97				
1236	Article 25(3)	Article 25(3)	Article 25(3)	
Annex IV, Table 4, Column 1, Row 98				
1237	Article 25(4)	Article 25(4)	Article 25(4)	
Annex IV, Table 4, Column 1, Row 99				
1238	Article 25(5)	Article 25(5)	Article 25(5)	
Annex IV, Table 4, Column 1, Row 100				
1239	-	-	-	
Annex IV, Table 4, Column 1, Row 101				
1240	-	-	-	
Annex IV, Table 4, Column 1, Row 102				
1241	Article 26	Article 26	Article 26	
Annex IV, Table 4, Column 1, Row 103				

PUBLIC

1242	Article 27	Article 27	Article 27	
Annex IV, Table 4, Column 1, Row 104				
1243	Article 28 (1) to (4)	Article 28 (1) to (4)	Article 28 (1) to (4)	
Annex IV, Table 4, Column 1, Row 105				
1244	-	-	-	
Annex IV, Table 4, Column 1, Row 106				
1245	Article 29	Article 29	Article 29	
Annex IV, Table 4, Column 1, Row 107				
1246	—	—	—	
Annex IV, Table 4, Column 1, Row 108				
1247	-	-	-	
Annex IV, Table 4, Column 1, Row 109				
1248	-	-	-	
Annex IV, Table 4, Column 1, Row 110				

PUBLIC

1249	-	-	-	
Annex IV, Table 4, Column 1, Row 111				
1250	-	-	-	
Annex IV, Table 4, Column 1, Row 112				
1251	Article 22	Article 22	Article 22	
Annex IV, Table 4, Column 1, Row 113				
1252	-	-	-	
Annex IV, Table 4, Column 1, Row 114				
1253	-	-	-	
Annex IV, Table 4, Column 1, Row 115				
1254	Article 9	Article 9	Article 9	
Annex IV, Table 4, Column 1, Row 116				
1255	Article 14	Article 14	Article 14	
Annex IV, Table 4, Column 1, Row 117				

PUBLIC

1256	Article 15	Article 15	Article 15	
Annex IV, Table 4, Column 1, Row 118				
1257	Article 17	Article 17	Article 17	
Annex IV, Table 4, Column 1, Row 119				
1258	Article 18 (1) to (10)	Article 18 (1) to (10)	Article 18 (1) to (10)	
Annex IV, Table 4, Column 1, Row 120				
1259	-	-	-	
Annex IV, Table 4, Column 1, Row 121				
1260	Article 19	Article 19	Article 19	
Annex IV, Table 4, Column 1, Row 122				
1261	Article 20	Article 20	Article 20	
Annex IV, Table 4, Column 1, Row 123				
1262	Article 21	Article 21	Article 21	
Annex IV, Table 4, Column 1, Row 124				

PUBLIC

1263	-	-	-	
Annex IV, Table 4, Column 1, Row 125				
1264	-	-	-	
Annex IV, Table 4, Column 1, Row 126				
1265	-	-	-	
Annex IV, Table 4, Column 1, Row 127				
1266	Article 10	Article 10	Article 10	
Annex IV, Table 4, Column 1, Row 128				
1267	Article 11	Article 11	Article 11	
Annex IV, Table 4, Column 1, Row 129				
1268	Article 12	Article 12	Article 12	
Annex IV, Table 4, Column 1, Row 130				
1269	Article 30	Article 30	Article 30	
Annex IV, Table 4, Column 1, Row 131				

PUBLIC

1270	Article 31	Article 31	Article 31	
Annex IV, Table 4, Column 1, Row 132				
1271	Article 39	Article 39	Article 39	
Annex IV, Table 4, Column 1, Row 133				
1272	-	-	-	
Annex IV, Table 4, Column 1, Row 134				
1273	Article 40	Article 40	Article 40	
Annex IV, Table 4, Column 1, Row 135				
1274	Article 41	Article 41	Article 41	
Annex IV, Table 4, Column 1, Row 136				
1275	-	-	-	
Annex IV, Table 4, Column 1, Row 137				
1276	Article 41(5) to (9)	Article 41(5) to (9)	Article 41(5) to (9)	
Annex IV, Table 4, Column 1, Row 138				

PUBLIC

1277	Article 41 (10) to (17)	Article 41 (10) to (17)	Article 41 (10) to (17)	
Annex IV, Table 4, Column 1, Row 139				
1278	Article 42 (1) to (4)	Article 42 (1) to (4)	Article 42 (1) to (4)	
Annex IV, Table 4, Column 1, Row 140				
1279	-	-	-	
Annex IV, Table 4, Column 1, Row 141				
1280	Article 42 (6)	Article 42 (6)	Article 42 (6)	
Annex IV, Table 4, Column 1, Row 142				
1281	Article 43	Article 43	Article 43	
Annex IV, Table 4, Column 1, Row 143				
1282	Article 44	Article 44	Article 44	
Annex IV, Table 4, Column 1, Row 144				
1283	Article 46	Article 46	Article 46	
Annex IV, Table 4, Column 1, Row 145				

PUBLIC

1284	Article 47	Article 47	Article 47	
Annex IV, Table 4, Column 1, Row 146				
1285	Article 48a	Article 48a	Article 48a	
Annex IV, Table 4, Column 1, Row 147				
1286	-	-	-	
Annex IV, Table 4, Column 1, Row 148				
1287	Article 49a	Article 49a	Article 49a	
Annex IV, Table 4, Column 1, Row 149				
1288	Article 49b	Article 49b	Article 49b	
Annex IV, Table 4, Column 1, Row 150				
1289	-	-	-	
Annex IV, Table 4, Column 1, Row 151				
1290	-	-	-	
Annex IV, Table 4, Column 1, Row 152				

PUBLIC

1291	-	-	-	
Annex IV, Table 4, Column 1, Row 153				
1292	-	-	-	
Annex IV, Table 4, Column 1, Row 154				
1293	Article 54	Article 54	Article 54	
Annex IV, Table 4, Column 1, Row 155				
1294	Article 53	Article 53	Article 53	
Annex IV, Table 4, Column 1, Row 156				
1295	Article 55	Article 55	Article 55	
Annex IV, Table 4, Column 1, Row 157				
1296	Article 56	Article 56	Article 56	
Annex IV, Table 4, Column 1, Row 158				
1297	Annex I	Annex I	Annex I	
Annex IV, Table 4, Column 1, Row 159				

PUBLIC

1298	-	-	-	
Annex IV, Table 4, Column 1, Row 160				
1299	-	-	-	
Annex IV, Table 4, Column 1, Row 161				
1300	Annex II	Annex II	Annex II	
Annex IV, Table 4, Column 2, Row 1				
1301	This Directive	This Directive	This Directive	
Annex IV, Table 4, Column 2, Row 2				
1302	Article 1(1)	Article 1(1)	Article 1(1)	
Annex IV, Table 4, Column 2, Row 3				
1303	-	-	-	
Annex IV, Table 4, Column 2, Row 4				
1304	Article 1(2), (3) and (4)	Article 1(2), (3) and (4)	Article 1(2), (3) and (4)	
Annex IV, Table 4, Column 2, Row 5				

PUBLIC

1305	Article 2, introductory wording	Article 2, introductory wording	Article 2, introductory wording	
Annex IV, Table 4, Column 2, Row 6				
1306	Article 2, points 1 to 13	Article 2, points 1 to 13	Article 2, points 1 to 13	
Annex IV, Table 4, Column 2, Row 7				
1307	Article 2, point 14	Article 2, point 14	Article 2, point 14	
Annex IV, Table 4, Column 2, Row 8				
1308	Article 2, point 15	Article 2, point 15	Article 2, point 15	
Annex IV, Table 4, Column 2, Row 9				
1309	Article 2, point 16	Article 2, point 16	Article 2, point 16	
Annex IV, Table 4, Column 2, Row 10				
1310	Article 2, point 17	Article 2, point 17	Article 2, point 17	
Annex IV, Table 4, Column 2, Row 11				
1311	Article 2, point 18	Article 2, point 18	Article 2, point 18	
Annex IV, Table 4, Column 2, Row 12				

PUBLIC

1312	Article 2, point 19	Article 2, point 19	Article 2, point 19	
Annex IV, Table 4, Column 2, Row 13				
1313	Article 2, point 20 to 22	Article 2, point 20 to 22	Article 2, point 20 to 22	
Annex IV, Table 4, Column 2, Row 14				
1314	Article 2, point 23	Article 2, point 23	Article 2, point 23	
Annex IV, Table 4, Column 2, Row 15				
1315	Article 2, point 24	Article 2, point 24	Article 2, point 24	
Annex IV, Table 4, Column 2, Row 16				
1316	Article 2, point 252	Article 2, point 252	Article 2, point 252	
Annex IV, Table 4, Column 2, Row 17				
1317	Article 2, point 26	Article 2, point 26	Article 2, point 26	
Annex IV, Table 4, Column 2, Row 18				
1318	Article 2, point 27	Article 2, point 27	Article 2, point 27	
Annex IV, Table 4, Column 2, Row 19				

PUBLIC

1319	Article 2, point 28	Article 2, point 28	Article 2, point 28	
Annex IV, Table 4, Column 2, Row 20				
1320	Article 2, point 29	Article 2, point 29	Article 2, point 29	
Annex IV, Table 4, Column 2, Row 21				
1321	Article 2, point 30	Article 2, point 30	Article 2, point 30	
Annex IV, Table 4, Column 2, Row 22				
1322	Article 2, point 31	Article 2, point 31	Article 2, point 31	
Annex IV, Table 4, Column 2, Row 23				
1323	Article 2, point 32	Article 2, point 32	Article 2, point 32	
Annex IV, Table 4, Column 2, Row 24				
1324	Article 2, point 33	Article 2, point 33	Article 2, point 33	
Annex IV, Table 4, Column 2, Row 25				
1325	Article 2, point 34	Article 2, point 34	Article 2, point 34	
Annex IV, Table 4, Column 2, Row 26				

PUBLIC

1326	Article 2, point 35	Article 2, point 35	Article 2, point 35	
Annex IV, Table 4, Column 2, Row 27				
1327	Article 2, point 36	Article 2, point 36	Article 2, point 36	
Annex IV, Table 4, Column 2, Row 28				
1328	Article 2, point 37	Article 2, point 37	Article 2, point 37	
Annex IV, Table 4, Column 2, Row 29				
1329	Article 2, point 38	Article 2, point 38	Article 2, point 38	
Annex IV, Table 4, Column 2, Row 30				
1330	Article 2, point 39	Article 2, point 39	Article 2, point 39	
Annex IV, Table 4, Column 2, Row 31				
1331	Article 2, point 40	Article 2, point 40	Article 2, point 40	
Annex IV, Table 4, Column 2, Row 32				
1332	Article 2, point 41	Article 2, point 41	Article 2, point 41	
Annex IV, Table 4, Column 2, Row 33				

PUBLIC

1333	Article 2, point 42	Article 2, point 42	Article 2, point 42	
Annex IV, Table 4, Column 2, Row 34				
1334	Article 2, point 43	Article 2, point 43	Article 2, point 43	
Annex IV, Table 4, Column 2, Row 35				
1335	Article 2, point 44	Article 2, point 44	Article 2, point 44	
Annex IV, Table 4, Column 2, Row 36				
1336	Article 2, point 45	Article 2, point 45	Article 2, point 45	
Annex IV, Table 4, Column 2, Row 37				
1337	Article 2, point 46 to 47	Article 2, point 46 to 47	Article 2, point 46 to 47	
Annex IV, Table 4, Column 2, Row 38				
1338	Article 2, point 48	Article 2, point 48	Article 2, point 48	
Annex IV, Table 4, Column 2, Row 39				
1339	Article 2, point 49	Article 2, point 49	Article 2, point 49	
Annex IV, Table 4, Column 2, Row 40				

PUBLIC

1340	Article 2, point 50	Article 2, point 50	Article 2, point 50	
Annex IV, Table 4, Column 2, Row 41				
1341	Article 2, point 51	Article 2, point 51	Article 2, point 51	
Annex IV, Table 4, Column 2, Row 42				
1342	Article 2, point 52 to 71	Article 2, point 52 to 71	Article 2, point 52 to 71	
Annex IV, Table 4, Column 2, Row 43				
1343	Article 3	Article 3	Article 3	
Annex IV, Table 4, Column 2, Row 44				
1344	Article 4	Article 4	Article 4	
Annex IV, Table 4, Column 2, Row 45				
1345	Article 5 (1) and (2)	Article 5 (1) and (2)	Article 5 (1) and (2)	
Annex IV, Table 4, Column 2, Row 46				
1346	Article 5 (3) and (4)	Article 5 (3) and (4)	Article 5 (3) and (4)	
Annex IV, Table 4, Column 2, Row 47				

PUBLIC

1347	Article 5 (5)	Article 5 (5)	Article 5 (5)	
Annex IV, Table 4, Column 2, Row 48				
1348	Article 6	Article 6	Article 6	
Annex IV, Table 4, Column 2, Row 49				
1349	Article 7 (1)	Article 7 (1)	Article 7 (1)	
Annex IV, Table 4, Column 2, Row 50				
1350	Article 7 (2)	Article 7 (2)	Article 7 (2)	
Annex IV, Table 4, Column 2, Row 51				
1351	Article 7 (3)	Article 7 (3)	Article 7 (3)	
Annex IV, Table 4, Column 2, Row 52				
1352	Article 7 (4)	Article 7 (4)	Article 7 (4)	
Annex IV, Table 4, Column 2, Row 53				
1353	Article 7 (5) to (9)	Article 7 (5) to (9)	Article 7 (5) to (9)	
Annex IV, Table 4, Column 2, Row 54				

PUBLIC

1354	Article 7 (10)	Article 7 (10)	Article 7 (10)	
Annex IV, Table 4, Column 2, Row 55				
1355	Article 7 (11)	Article 7 (11)	Article 7 (11)	
Annex IV, Table 4, Column 2, Row 56				
1356	Article 8	Article 8	Article 8	
Annex IV, Table 4, Column 2, Row 57				
1357	Article 9	Article 9	Article 9	
Annex IV, Table 4, Column 2, Row 58				
1358	Article 10	Article 10	Article 10	
Annex IV, Table 4, Column 2, Row 59				
1359	Article 11	Article 11	Article 11	
Annex IV, Table 4, Column 2, Row 60				
1360	Article 12	Article 12	Article 12	
Annex IV, Table 4, Column 2, Row 61				

PUBLIC

1361	Article 13	Article 13	Article 13	
Annex IV, Table 4, Column 2, Row 62				
1362	Article 14	Article 14	Article 14	
Annex IV, Table 4, Column 2, Row 63				
1363	Article 15	Article 15	Article 15	
Annex IV, Table 4, Column 2, Row 64				
1364	Article 16	Article 16	Article 16	
Annex IV, Table 4, Column 2, Row 65				
1365	Article 17	Article 17	Article 17	
Annex IV, Table 4, Column 2, Row 66				
1366	Article 18	Article 18	Article 18	
Annex IV, Table 4, Column 2, Row 67				
1367	Article 19	Article 19	Article 19	
Annex IV, Table 4, Column 2, Row 68				

PUBLIC

1368	Article 20	Article 20	Article 20	
Annex IV, Table 4, Column 2, Row 69				
1369	Article 21	Article 21	Article 21	
Annex IV, Table 4, Column 2, Row 70				
1370	Article 22	Article 22	Article 22	
Annex IV, Table 4, Column 2, Row 71				
1371	Article 23	Article 23	Article 23	
Annex IV, Table 4, Column 2, Row 72				
1372	Article 24	Article 24	Article 24	
Annex IV, Table 4, Column 2, Row 73				
1373	Article 25	Article 25	Article 25	
Annex IV, Table 4, Column 2, Row 74				
1374	Article 26	Article 26	Article 26	
Annex IV, Table 4, Column 2, Row 75				

PUBLIC

1375	Article 27	Article 27	Article 27	
Annex IV, Table 4, Column 2, Row 76				
1376	Article 27(3)	Article 27(3)	Article 27(3)	
Annex IV, Table 4, Column 2, Row 77				
1377	Article 28	Article 28	Article 28	
Annex IV, Table 4, Column 2, Row 78				
1378	Article 29	Article 29	Article 29	
Annex IV, Table 4, Column 2, Row 79				
1379	Article 30	Article 30	Article 30	
Annex IV, Table 4, Column 2, Row 80				
1380	Article 31	Article 31	Article 31	
Annex IV, Table 4, Column 2, Row 81				
1381	Article 32	Article 32	Article 32	
Annex IV, Table 4, Column 2, Row 82				

PUBLIC

1382	Article 33	Article 33	Article 33	
Annex IV, Table 4, Column 2, Row 83				
1383	Article 34	Article 34	Article 34	
Annex IV, Table 4, Column 2, Row 84				
1384	Article 34 (3)	Article 34 (3)	Article 34 (3)	
Annex IV, Table 4, Column 2, Row 85				
1385	Article 35 (1) to (2)	Article 35 (1) to (2)	Article 35 (1) to (2)	
Annex IV, Table 4, Column 2, Row 86				
1386	Article 35 (3) to (4)	Article 35 (3) to (4)	Article 35 (3) to (4)	
Annex IV, Table 4, Column 2, Row 87				
1387	Article 35 (5)	Article 35 (5)	Article 35 (5)	
Annex IV, Table 4, Column 2, Row 88				
1388	Article 35 (7) to (9)	Article 35 (7) to (9)	Article 35 (7) to (9)	
Annex IV, Table 4, Column 2, Row 89				

PUBLIC

1389	Article 35 (10)	Article 35 (10)	Article 35 (10)	
Annex IV, Table 4, Column 2, Row 90				
1390	Article 36	Article 36	Article 36	
Annex IV, Table 4, Column 2, Row 91				
1391	Article 37	Article 37	Article 37	
Annex IV, Table 4, Column 2, Row 92				
1392	Article 38	Article 38	Article 38	
Annex IV, Table 4, Column 2, Row 93				
1393	Article 39	Article 39	Article 39	
Annex IV, Table 4, Column 2, Row 94				
1394	Article 40 (1)	Article 40 (1)	Article 40 (1)	
Annex IV, Table 4, Column 2, Row 95				
1395	Article 40 (2)	Article 40 (2)	Article 40 (2)	
Annex IV, Table 4, Column 2, Row 96				

PUBLIC

1396	Article 40 (3)	Article 40 (3)	Article 40 (3)	
Annex IV, Table 4, Column 2, Row 97				
1397	Article 40 (4)	Article 40 (4)	Article 40 (4)	
Annex IV, Table 4, Column 2, Row 98				
1398	Article 40 (5)	Article 40 (5)	Article 40 (5)	
Annex IV, Table 4, Column 2, Row 99				
1399	Article 40 (6)	Article 40 (6)	Article 40 (6)	
Annex IV, Table 4, Column 2, Row 100				
1400	Article 40 (7) to (9)	Article 40 (7) to (9)	Article 40 (7) to (9)	
Annex IV, Table 4, Column 2, Row 101				
1401	Article 41	Article 41	Article 41	
Annex IV, Table 4, Column 2, Row 102				
1402	Article 42	Article 42	Article 42	
Annex IV, Table 4, Column 2, Row 103				

PUBLIC

1403	Article 43	Article 43	Article 43	
Annex IV, Table 4, Column 2, Row 104				
1404	Article 44 (1) to (4)	Article 44 (1) to (4)	Article 44 (1) to (4)	
Annex IV, Table 4, Column 2, Row 105				
1405	Article 44 (5)	Article 44 (5)	Article 44 (5)	
Annex IV, Table 4, Column 2, Row 106				
1406	Article 45	Article 45	Article 45	
Annex IV, Table 4, Column 2, Row 107				
1407	Article 46	Article 46	Article 46	
Annex IV, Table 4, Column 2, Row 108				
1408	Article 47	Article 47	Article 47	
Annex IV, Table 4, Column 2, Row 109				
1409	Article 48	Article 48	Article 48	
Annex IV, Table 4, Column 2, Row 110				

PUBLIC

1410	Article 49	Article 49	Article 49	
Annex IV, Table 4, Column 2, Row 111				
1411	Article 50	Article 50	Article 50	
Annex IV, Table 4, Column 2, Row 112				
1412	Article 51	Article 51	Article 51	
Annex IV, Table 4, Column 2, Row 113				
1413	Article 52	Article 52	Article 52	
Annex IV, Table 4, Column 2, Row 114				
1414	Article 53	Article 53	Article 53	
Annex IV, Table 4, Column 2, Row 115				
1415	Article 54	Article 54	Article 54	
Annex IV, Table 4, Column 2, Row 116				
1416	Article 55	Article 55	Article 55	
Annex IV, Table 4, Column 2, Row 117				

PUBLIC

1417	Article 56	Article 56	Article 56	
Annex IV, Table 4, Column 2, Row 118				
1418	Article 57	Article 57	Article 57	
Annex IV, Table 4, Column 2, Row 119				
1419	Article 58 (1) to (10)	Article 58 (1) to (10)	Article 58 (1) to (10)	
Annex IV, Table 4, Column 2, Row 120				
1420	Article 58 (11)	Article 58 (11)	Article 58 (11)	
Annex IV, Table 4, Column 2, Row 121				
1421	Article 59	Article 59	Article 59	
Annex IV, Table 4, Column 2, Row 122				
1422	Article 60	Article 60	Article 60	
Annex IV, Table 4, Column 2, Row 123				
1423	Article 61	Article 61	Article 61	
Annex IV, Table 4, Column 2, Row 124				

PUBLIC

1424	Article 62	Article 62	Article 62	
Annex IV, Table 4, Column 2, Row 125				
1425	Article 63	Article 63	Article 63	
Annex IV, Table 4, Column 2, Row 126				
1426	Article 64	Article 64	Article 64	
Annex IV, Table 4, Column 2, Row 127				
1427	Article 65	Article 65	Article 65	
Annex IV, Table 4, Column 2, Row 128				
1428	Article 66	Article 66	Article 66	
Annex IV, Table 4, Column 2, Row 129				
1429	Article 67	Article 67	Article 67	
Annex IV, Table 4, Column 2, Row 130				
1430	Article 68	Article 68	Article 68	
Annex IV, Table 4, Column 2, Row 131				

PUBLIC

1431	Article 69	Article 69	Article 69	
Annex IV, Table 4, Column 2, Row 132				
1432	Article 70 (1) to (5)	Article 70 (1) to (5)	Article 70 (1) to (5)	
Annex IV, Table 4, Column 2, Row 133				
1433	Article 70 (6)	Article 70 (6)	Article 70 (6)	
Annex IV, Table 4, Column 2, Row 134				
1434	Article 71	Article 71	Article 71	
Annex IV, Table 4, Column 2, Row 135				
1435	Article 72	Article 72	Article 72	
Annex IV, Table 4, Column 2, Row 136				
1436	Article 72(5)	Article 72(5)	Article 72(5)	
Annex IV, Table 4, Column 2, Row 137				
1437	Article 72 (6) to (10)	Article 72 (6) to (10)	Article 72 (6) to (10)	
Annex IV, Table 4, Column 2, Row 138				

PUBLIC

1438	Article 73 (1) to (8)	Article 73 (1) to (8)	Article 73 (1) to (8)	
Annex IV, Table 4, Column 2, Row 139				
1439	Article 74 (1) to (4)	Article 74 (1) to (4)	Article 74 (1) to (4)	
Annex IV, Table 4, Column 2, Row 140				
1440	Article 74 (5)	Article 74 (5)	Article 74 (5)	
Annex IV, Table 4, Column 2, Row 141				
1441	Article 74 (6)	Article 74 (6)	Article 74 (6)	
Annex IV, Table 4, Column 2, Row 142				
1442	Article 75	Article 75	Article 75	
Annex IV, Table 4, Column 2, Row 143				
1443	Article 76	Article 76	Article 76	
Annex IV, Table 4, Column 2, Row 144				
1444	Article 77	Article 77	Article 77	
Annex IV, Table 4, Column 2, Row 145				

PUBLIC

1445	Article 78	Article 78	Article 78	
Annex IV, Table 4, Column 2, Row 146				
1446	Article 79	Article 79	Article 79	
Annex IV, Table 4, Column 2, Row 147				
1447	Article 80	Article 80	Article 80	
Annex IV, Table 4, Column 2, Row 148				
1448	Article 81	Article 81	Article 81	
Annex IV, Table 4, Column 2, Row 149				
1449	Article 82	Article 82	Article 82	
Annex IV, Table 4, Column 2, Row 150				
1450	Article 83	Article 83	Article 83	
Annex IV, Table 4, Column 2, Row 151				
1451	Article 84	Article 84	Article 84	
Annex IV, Table 4, Column 2, Row 152				

PUBLIC

1452	Article 85	Article 85	Article 85	
Annex IV, Table 4, Column 2, Row 153				
1453	Article 86	Article 86	Article 86	
Annex IV, Table 4, Column 2, Row 154				
1454	Article 87	Article 87	Article 87	
Annex IV, Table 4, Column 2, Row 155				
1455	Article 88	Article 88	Article 88	
Annex IV, Table 4, Column 2, Row 156				
1456	Article 89	Article 89	Article 89	
Annex IV, Table 4, Column 2, Row 157				
1457	Article 90	Article 90	Article 90	
Annex IV, Table 4, Column 2, Row 158				
1458	Annex I	Annex I	Annex I	
Annex IV, Table 4, Column 2, Row 159				

PUBLIC

1459	Annex II	Annex II	Annex II	
Annex IV, Table 4, Column 2, Row 160				
1460	Annex III	Annex III	Annex III	
Annex IV, Table 4, Column 2, Row 161				
1461	Annex IV	Annex IV	Annex IV	

PUBLIC