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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Energy
Subject:	REPower - Requests for clarifications: presentation

Delegations will find in the annex the presentation on the REPower - Requests for clarifications.

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REPower - Requests for clarifications

Contracts falling under exemptions (Art. 4)
Proof of origin (Art. 7)
Timing

EWP - 08.07.25

MS Questions – Clarification on "long-term" and "short-term" contracts

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Current definition (Art. 2):

(4) 'long-term supply contract' means a contract for the supply of natural gas, excluding a natural gas derivative, **exceeding one year**;

=> taken from *Art. 2(56 and 53) of the Gas Directive; see also Art. (2) 28 ('supply')*

(5) 'short-term supply contract' means a contract for the supply of natural gas, excluding a natural gas derivative, **not exceeding one year**;

=> Established definitions form Gas Directive/Regulation

MS Questions – Clarification on "long-term" and "short-term" contracts

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Issue #1: "Duration" in case of LNG contracts

"Contract duration" => **Start date** to **end date** of **contractual obligations**;
=> Term defined in respective contract (e.g. 'effective date')

Example:

1. Regular LNG supplies from 1/2010 to 12/2027 => existing **LTC**
2. Regular LNG supplies from 5/2025 to 3/2026 => existing **STC**
3. Contract of 2/2025 for one or more cargos in 2027 => existing **LTC**
4. Gas supply contract of 7/2025 under a non-binding "Master" (Framework-) contract, signed in 2024 => *new* contract, Art. 3

MS Questions – Clarification on "long-term" and "short-term" contracts

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Issue #2: Changes resulting from contracts

1. 'Adjustments' made before 17.6.2025 – do they exclude using exemptions?

   => **No** – only changes after 17.6.2025 (Art. 4: "not amended thereafter")

2. Dynamic "contracted quantities" in LTCs:

   a) **Which date** is relevant for the "contracted quantities"? Signature? Later?

   => Binding quantities agreed on 17.6.2025 are relevant

   b) What if increases of "contracted quantities" have been **agreed before 17.6.2025**

   => if agreed before 17.6.2025, increases count as contracted volumes

   c) MS questions concerning **specific contract clauses** (paid "make-up quantities"; binding "round-up quantities") => further discussion based on concrete examples

MS Questions – Clarification on "long-term" and "short-term" contracts

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Issue #3: Contractual adjustments after 17.6.2025 – exemptions still possible?

3. Why are exemptions excluded in case of contract amendments?
   => Risk of "front-loading" volumes => increasing imports
   => Simplification of implementation (customs and other authorities)
   => Legal clarity

4. Should certain amendments be allowed?
   => In general: not, if they increase imports; not, if legal problems
   => tbd: Amendments <u>which clearly reduce imports</u>
   => other elements (e.g. change of law,…) => MS proposals

MS Questions
Clarification on proof of origin

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Article 7

Submission of relevant information by importers

1. Importers of natural gas shall provide customs authorities with all relevant information necessary to implement Articles 3 and 4, in particular appropriate evidence to verify whether the natural gas originates in or is exported directly or indirectly from the Russian Federation.

   => Obligation for ALL gas importers

   For the purposes of application of Article 4, importers of natural gas shall provide customs authorities and other authorities involved in the monitoring pursuant to Article 9 and 10 with appropriate evidence to assess whether the conditions set out in that Article are met.

   => Obligation gas importers who invoke an exemption

2. The information referred to in paragraph 1 shall include at least all of the following:

   (a) date; (b) duration; (c) quantities; (d) ID; (e) gas producer (d) port of first loading; (g) delivery points; (h) changes

MS Questions
Clarification on proof of origin

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Issue #1: Requirements for all importers – too far-reaching?

=> Current wording of Art. 7 requires full tracing for all importers

MS Comments:

- Realistic for *all importers* to provide full proof of origin?
- Or better to differentiate between all importers/importers asking for exemption?

=> Avoid unnecessary barriers to imports from non-Russian sources

Member States invited to contribute to discussion about possible solutions

MS Questions
Clarification on proof of origin

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Issue #2: Proof of origin

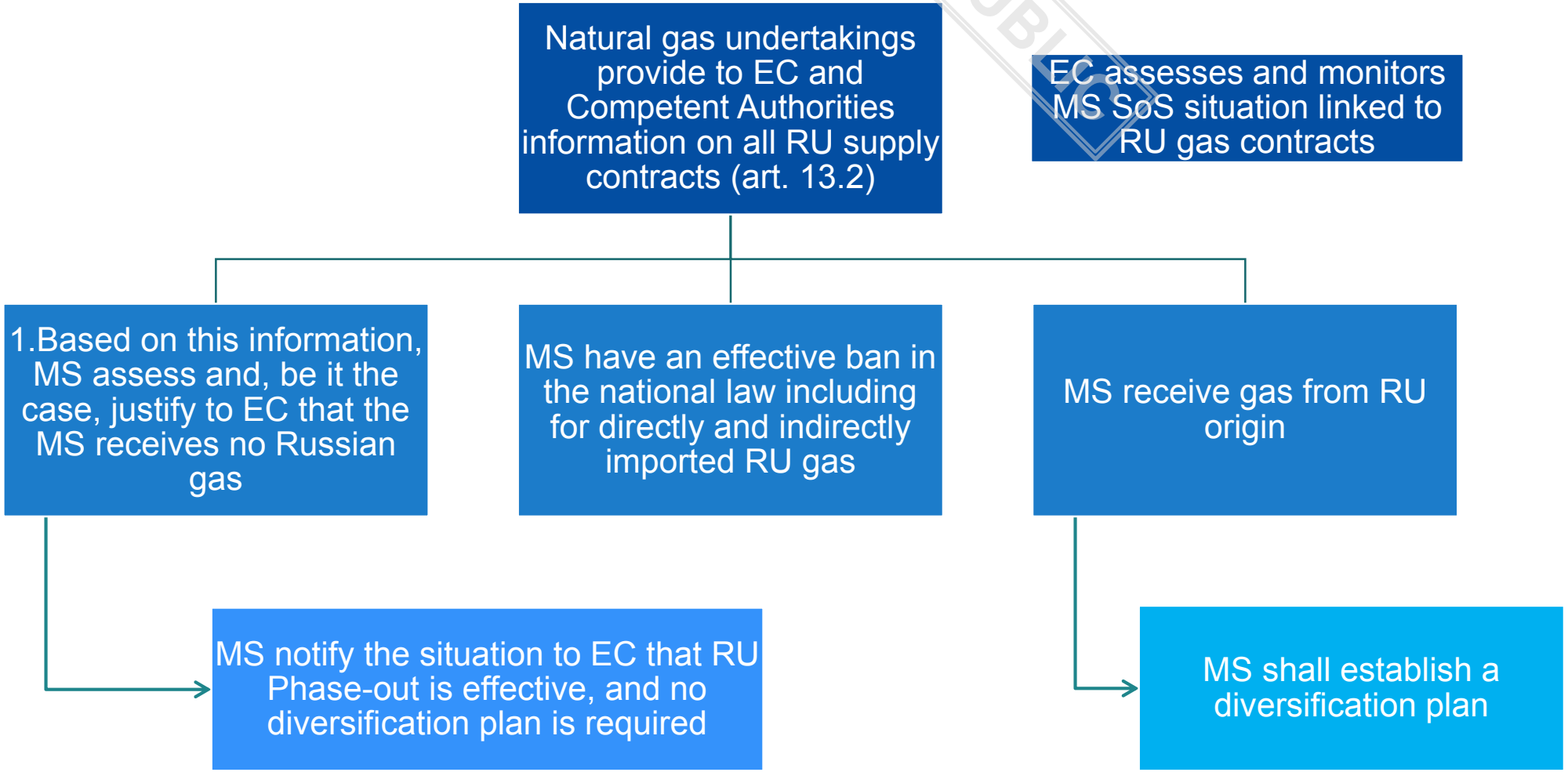
- **For LNG →** standard customs practices
- **For pipeline →**
  - Presumption of Russian origin on certain points listed in **Art 7(4)**
  - For other points: standards customs practice

Discussion points:

- **Limit circumvention risks at certain external points**
- **Blending of gas of different origins**

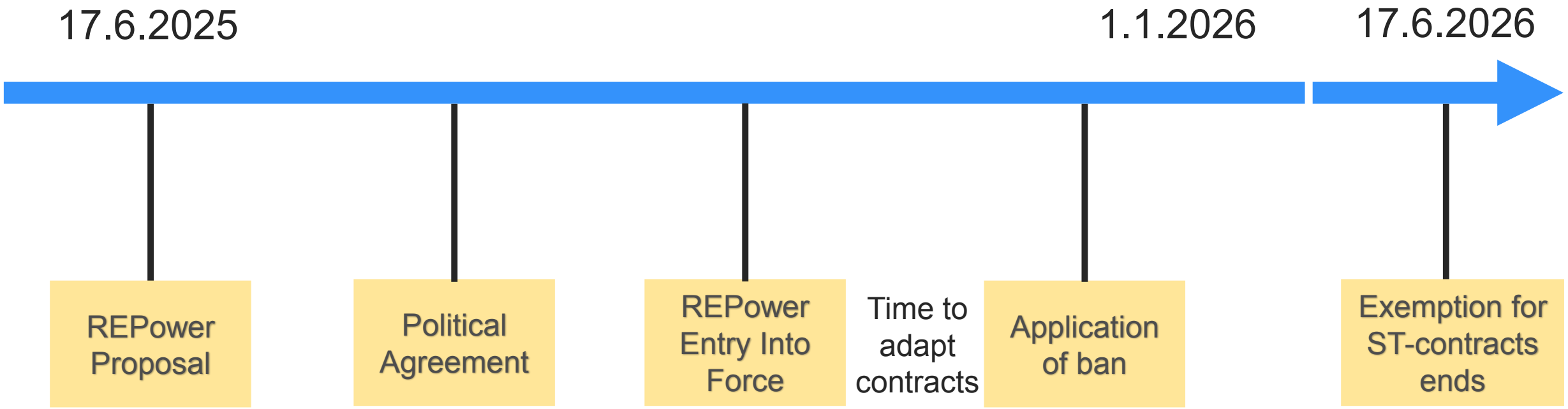
National diversification plans – Article 11

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Timeline – REPower proposal of 17.6.2025

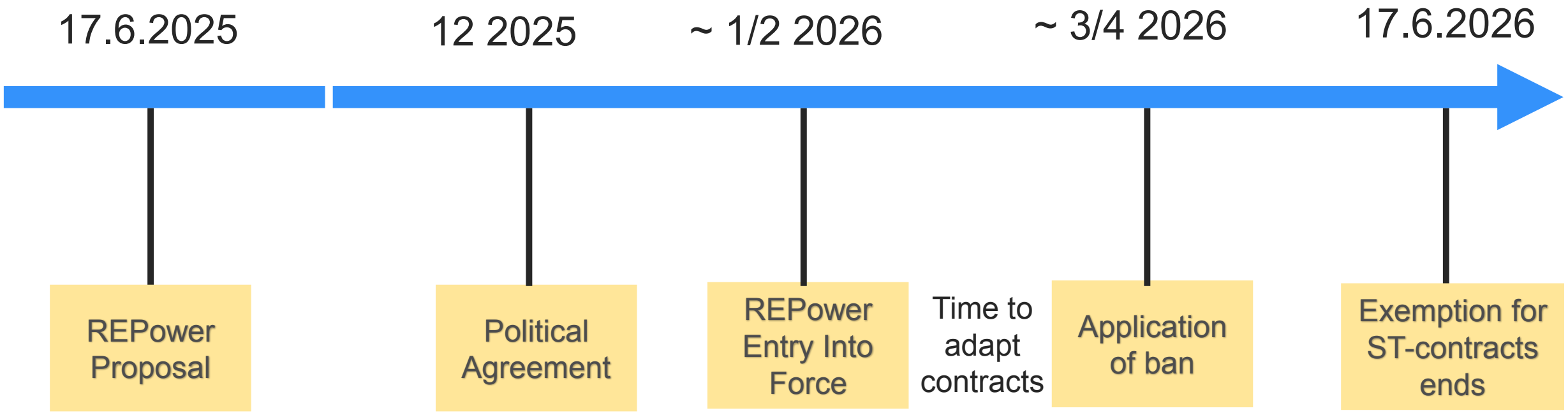
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Timeline – Presidency & EP Planning

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