

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2017/1938 of the European Parliament and of the Council concerning measures to safeguard the security of gas supply and Regulation (EC) n°715/2009 of the European Parliament and of the Council on conditions for access to natural gas transmission networks

1.	COMMISSION PROPOSAL Doc. 7406/22	EP PLENARY TEXT	COUNCIL TEXT	COMPROMISE PROPOSAL
2.	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
3.	amending Regulation (EU) 2017/1938 of the European Parliament and of the Council concerning measures to safeguard the security of gas supply and Regulation (EC) n°715/2009 of the European Parliament and of the Council on conditions for access to natural gas transmission networks	amending Regulation (EU) 2017/1938 of the European Parliament and of the Council concerning measures to safeguard the security of gas supply and Regulation (EC) No 715/2009 with regard to gas storage of the European Parliament and of the Council on conditions for access to natural gas transmission networks¹	amending Regulation (EU) 2017/1938 of the European Parliament and of the Council concerning measures to safeguard the security of gas supply and Regulation (EC) n°715/2009 <u>with regard to gas storage of the European Parliament and of the Council on conditions for access to natural gas transmission network</u>	[same text] amending Regulation (EU) 2017/1938 of the European Parliament and of the Council concerning measures to safeguard the security of gas supply and Regulation (EC) n°715/2009 <u>with regard to gas storage of the European Parliament and of the Council on conditions for access to natural gas transmission network</u>
4.	(Text with EEA relevance)	(Text with EEA relevance)	(Text with EEA relevance)	(Text with EEA relevance)
5.	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Having regard to Article 194(2) of the Treaty on the Functioning of the European Union,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Having regard to <i>the Treaty on the Functioning of the European Union, and in particular</i> Article 194(2) of the Treaty on the	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Having regard to Article 194(2) of the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof,	[same text] THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Having regard to Article 194(2) of the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof,

¹ *Deletions are indicated in strikethrough, new text is marked in bold and italics.*

	<p>Having regard to the proposal from the European Commission, After transmission of the draft legislative act to the national parliaments, Having regard to the opinion of the European Economic and Social Committee, Having regard to the opinion of the Committee of the Regions, Acting in accordance with the ordinary legislative procedure, Whereas:</p>	<p>Functioning of the European Union thereof, Having regard to the proposal from the European Commission, After transmission of the draft legislative act to the national parliaments, Having regard to the opinion of the European Economic and Social Committee², Having regard to the opinion of the Committee of the Regions³, Acting in accordance with the ordinary legislative procedure⁴, Whereas:</p>	<p>Having regard to the proposal from the European Commission, After transmission of the draft legislative act to the national parliaments, Having regard to the opinion of the European Economic and Social Committee, Having regard to the opinion of the Committee of the Regions, Acting in accordance with the ordinary legislative procedure, Whereas:</p>	<p>Having regard to the proposal from the European Commission, After transmission of the draft legislative act to the national parliaments, Having regard to the opinion of the European Economic and Social Committee, Having regard to the opinion of the Committee of the Regions, Acting in accordance with the ordinary legislative procedure, Whereas:</p>
6.	<p>(1) While short-term gas supply interruptions have occurred in the past, there are several factors which distinguish the current situation from previous security of supply crises. The escalation of the armed conflict in Ukraine since February 2022 has led to unprecedented price increases. These price increases are likely to fundamentally change the incentives to fill storage facilities in the Union. In the current geopolitical context, further supply disruptions of gas can no longer be excluded. This could severely harm citizens and</p>	<p>(1) While short-term gas supply interruptions disruptions have occurred in the past, there are several factors which distinguish the current situation from previous security of supply crises. The escalation of the armed conflict in Ukraine by Russia since February 2022 has led to unprecedented price increases. These price increases are likely to fundamentally change the incentives to fill storage facilities in the Union. In the current geopolitical context, further supply disruptions of gas can no</p>	<p>(1) While short-term gas supply interruptions disruptions have occurred in the past, there are several factors which distinguish the current situation from previous security of gas supply crises. The escalation of the armed conflict in Ukraine since February 2022 has led to unprecedented price increases. These Those price increases are likely to fundamentally change the incentives to fill underground gas storage facilities in the Union. In the current geopolitical context situation, it cannot be excluded that further supply</p>	

² *Opinion of ... (not yet published in the Official Journal).*

³ *Opinion of ... (not yet published in the Official Journal).*

⁴ *Position of the European Parliament of ... (not yet published in the Official Journal) and decision of the Council of*

	the economy of the Union, as the Union is still to a significant extent dependent on external gas supplies which can be affected by the conflict.	longer be excluded. This could severely harm citizens and the economy of the Union, as the Union is still to a significant extent dependent on external gas supplies which can be affected by the <i>Russian war in Ukraine</i> conflict.	disruptions of gas <u>supplies will take place</u> can no longer be excluded . This <u>Such disruptions</u> could severely harm citizens and the economy of the Union, as <u>because</u> the Union is still, to a significant extent, dependent on external gas supplies which can be affected by the conflict.	
7.	(2) The nature and consequences of these events are large-scale and Union-wide and therefore require a comprehensive response. The response should prioritise measures that can reinforce the security of supply at Union level, in particular to protected consumers. It is therefore crucial that the Union acts in a coordinated manner to avoid potential risks resulting from a possible gas supply interruption.	(2) The nature and consequences of these events are large-scale and Union-wide and therefore require a comprehensive response. The response should prioritise measures that can reinforce the security of supply at Union level, in particular to protected consumers. It is therefore crucial that the Union acts in a coordinated manner to avoid potential risks resulting from a possible gas supply interruption disruption .	(2) The nature and consequences of these <u>recent</u> events are large-scale and Union-wide and therefore require a comprehensive response. The response should prioritise measures that can reinforce the security of <u>gas</u> supply at Union level, in particular <u>gas supplies</u> to protected consumers . It is therefore crucial that the Union acts in a coordinated manner to avoid potential risks resulting from a possible gas supply interruption <u>disruption of the gas supply without prejudice to the Member States's right to choose between different energy sources and the general structure of their energy supply, in accordance with the Article 194 of the Treaty on the Functioning of the European Union (TFEU).</u>	
8.	(3) Gas storage contributes to security of supply by providing additional supply in case of strong demand or supply disruptions, and well filled gas storage leads to secure gas supplies. Since supply	(3) Gas storage contributes to security of supply by providing additional supply in case of strong demand or supply disruptions, and well filled gas storage leads to secure gas supplies. Since supply	(3) Gas storage contributes to security of supply by providing additional <u>gas</u> supply in ease of <u>the event of</u> strong demand or of supply disruptions, and well filled <u>underground</u> gas storage leads to	

	disruptions of pipeline gas may occur anytime, measures regarding the filling level of Union storage sites have to be introduced to ensure supply for the winter 2022/2023.	disruptions of pipeline gas may occur anytime, measures regarding the filling level of Union storage sites have to be introduced to ensure supply for the winter 2022/2023.	secure- gas supplies. Since supply disruptions of pipeline gas may occur anytime, measures regarding the filling level of Union underground storage sites facilities should have to be introduced to ensure supply-gas supplies for the winter of 2022/2023.	
9.	(4) Regulation (EU) 2017/1938 of the European Parliament and of the Council ⁵ introduced solidarity mechanisms designed to address extreme situations in which supply of protected customers, as an essential security need and a necessary priority, is at stake in a Member State. In the event of a Union emergency, an immediate response should ensure that Member States are able to provide enhanced protection to customers.	(4) Regulation (EU) 2017/1938 of the European Parliament and of the Council ⁴ introduced solidarity mechanisms designed to address extreme situations in which supply of protected customers, as an essential security need and a necessary priority, is at stake in a Member State. In the event of a Union emergency, an immediate response should ensure that Member States are able to provide enhanced protection to customers.	(4) Regulation (EU) 2017/1938 of the European Parliament and of the Council ⁶ introduced solidarity mechanisms designed to address extreme situations in which gas supply of to protected customers, as an essential security need and a necessary priority, is at stake in a Member State. In the event of a Union emergency, an immediate response should ensure that Member States are able to provide enhanced protection to customers.	
10.	(5) The impact of the armed conflict at the borders of the Union has shown that the existing security of supply rules are, however, not adapted to sudden major geopolitical developments, where supply shortages and price peaks may not only result from the	(5) The impact of the Russian war armed conflict at the borders of the Union has shown that the existing security of supply rules are, however, not adapted to sudden major geopolitical developments, where supply shortages and price peaks may not	(5) The impact of the armed conflict at the borders of the Union has shown that the existing security of supply rules are, however, not adapted to sudden major changes in the geopolitical developments situation , where gas supply shortages and price peaks	

⁵ Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010 (OJ L 280, 28.10.2017, p. 1).

⁶ Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010 (OJ L 280, 28.10.2017, p. 1).

	failure of infrastructure or extreme weather conditions, but also for instance from intentional major events and longer lasting or sudden supply interruptions. It is therefore necessary to address the sudden greatly increased risks resulting from the current changes in the geopolitical situation.	only result from the failure of infrastructure or extreme weather conditions, but also for instance from intentional major events and longer lasting or sudden supply disruptions interruptions. It is therefore necessary to address the sudden greatly increased risks resulting from the current changes in the geopolitical situation.	may not only result not only from the failure of infrastructure or extreme weather conditions, but also for instance from intentional major events and from longer lasting or sudden gas supply disruptions interruptions. It is therefore necessary to address the sudden greatly increased risks resulting from the current changes in the geopolitical situation.	
11.		<i>(5a) In its resolution of 7 April 2022, the European Parliament called for an immediate full embargo on Russian imports of oil, coal, nuclear fuel, and gas, for Nordstream 1 and 2 to be completely abandoned, and for a plan to continue ensuring the EU's security of energy supply in the short-term to be presented.</i>		
12.	(6) Based on the Commission's analysis of adequate measures to secure gas supplies, <i>inter alia</i> , the EU wide reinforced risk preparedness analysis carried out in February 2022 by the Commission and the Gas Coordination Group, it is appropriate that Member States should, in principle, ensure that the storage infrastructures in their territory are full to at least 90% of their capacity at Member State	(6) Based on the Commission's analysis of adequate measures to secure gas supplies, <i>inter alia</i> , the EU wide reinforced risk preparedness analysis carried out in February 2022 by the Commission and the Gas Coordination Group, it is appropriate that Member States should, in principle, ensure that the storage infrastructures in their territory are full to at least	(6) Based on the Commission's analysis of, inter alia, the adequacy of measures to secure gas supplies, inter alia, the EU Union wide reinforced risk preparedness analysis carried out in February 2022 by the Commission and the Gas Coordination Group established by Regulation (EU) 2017/1938 (the "GCG") , it is appropriate that Member States should, in principle, ensure that the underground storage	

<p>level by 1 November, with intermediary targets for each Member State in May, July, September and February of the following year. This is necessary to ensure that European consumers are adequately protected against supply shortages. For 2022, a lower filling target of 80% and a reduced number of intermediary targets (August, September and October) will apply, taking into account that the Regulation will only become applicable after the start of the gas filling season and Member States have limited time to implement this Regulation.</p>	<p>90% of their capacity at Member State level by 1 November <i>of each year</i>, with intermediary targets for each Member State in May, July, September and February of the following year <i>thereafter</i>. This is necessary to ensure that European consumers are adequately protected against supply shortages. For 2022, a lower filling target of 80% and a reduced number of intermediary targets (August, September and October) will apply, taking into account that the Regulation will only become applicable after the start of the gas filling season and Member States have limited time to implement this Regulation.</p>	<p>infrastructures-facilities that are <u>located</u> in their territory <u>and directly interconnected to a market area of the respective that Member State, unless they primarily serve as a source of gas supply for consumers in one or more other Member States</u> are full to at least 90% of their capacity at Member State level by 1 November, with intermediary targets for each Member State in May, July, September and February of the following year <u>thereafter</u>. <u>There are some Member States with significant storage capacity that would be disproportionately impacted by the obligation to reach the filling target for the storage facilities on their territory. In order to reflect this situation, the legal obligation to fill their storages pursuant to Article 6a should be reduced to a volume of 35% of their annual gas consumption in the past five years. This is without prejudice to the obligation of other Member States to contribute to the filling of their respective storages . Member States should be able to decide, under conditions, to partially fulfil the 90% target by counting liquefied natural gas (LNG) stocks stored in LNG facilities. This is- Those targets are</u> necessary to ensure that European</p>	
---	---	---	--

			<p>consumers are adequately protected against supply shortages. For 2022, a lower filling target of 80% and a reduced number of intermediary targets (August, September and October) will<u>should</u> apply, taking into account that the<u>this</u> Regulation will only become applicable <u>enter into force</u> after the start of the gas filling season and <u>that</u> Member States have limited time to implement this Regulation <u>it</u>.</p>	
13.		<p><i>(6a) The current geopolitical situation has also highlighted the perils of being overly dependent on any specific country. Member States should thus aim not to rely on gas exclusively or predominantly from any specific country. Moreover, as soon as feasible and no later than entry into force of this Regulation, Member States should not use gas from countries subject to Union economic restrictive measures to fulfil the objectives of this Regulation, in line with the Commission Communication COM(2022) 108 final of 8 March 2022, entitled ‘REPowerEU: Joint European Action for more affordable, secure and sustainable energy’ underlying the need of eliminating the Union’s dependence on Russian fossil fuels.</i></p>		

14.		<p><i>(6b) Voluntary mechanism for joint procurement should be established at Union level with the aim of increasing energy security while reducing external energy dependency and price volatility.</i></p>		
15.		<p><i>(6c) Where the Commission has reasonable grounds for considering that extraordinary circumstances have occurred in which security of supply of the Union or of a given region or of a Member State cannot be fully guaranteed without addressing missing links, notably in light of the Union's aim to end dependence on a single supplier, it is encouraged to mandate ENTSOG to carry out a transparent, in-depth analysis of the identified risk to security of supply and of possible solutions to address it. Based on ENTSOG's analysis, the Commission, taking into account the need to promote Union energy security and solidarity, the rapid ending of dependence on a single supplier and the overcoming of related bottlenecks in the internal energy market may identify missing links with a view to resolving or mitigating the identified risk to security of</i></p>		

		<i>supply. The Commission may also identify ways to support the development of such investment projects, including through an accelerated permitting procedure and financial assistance. It is important that any such investment project is be future-proof and compatible with the Union objectives of climate neutrality enshrined in Regulation (EU) 2021/1119 and does not lead to stranded assets.</i>		
16.	(7) A “filling trajectory” system shall enable continuous monitoring throughout the filling season (from 1 April to 30 September). From the year 2023 onwards storage shall also be specifically monitored in February (the ‘February control point’) to avoid sudden withdrawal of gas from storage in the middle of the winter, which could cause security of supply challenges before the end of winter.	(7) A “filling trajectory” system shall enable continuous monitoring throughout the filling season (from 1 April to 30 September). From the year 2023 onwards storage shall also be specifically monitored in February (the ‘February control point’) to avoid sudden withdrawal of gas from storage in the middle of the winter, which could cause security of supply challenges before the end of winter.	(7) A “filling trajectory” system shall should enable continuous monitoring throughout the filling season (from 1 April to 30 September). From the year 2023 onwards gas storage shall also should be specifically monitored in as from February (the ‘February control point’) to avoid the sudden withdrawal of gas from underground storage in the middle of the winter, which could cause security of supply challenges before the end of winter.	
17.	(8) The filling target and the filling trajectory can be adjusted by the Commission from 2023 onwards, by means of a delegated act, taking into account the annual ENTSOG simulations and the common analysis to be carried out by the regional risk groups defined in Regulation (EU)	(8) The filling target and the filling trajectory can be adjusted by the Commission from 2023 onwards, by means of a delegated act, taking into account the annual ENTSOG simulations and the common analysis to be carried out by the regional risk groups defined in Regulation (EU)	(8) The filling target and the Each Member State with storage facilities will make a proposal for a filling trajectory can be adjusted by the Commission from 2023 onwards, by means of a delegated act, taking into account the annual ENTSOG simulations and the common analysis to be carried out	

	2017/1938. The decision of the Commission to set the “filling trajectories” will be taken after consultation of the Gas Coordination Group.	2017/1938. The decision of the Commission to set the “filling trajectories” will be taken after consultation of the Gas Coordination Group.	by the regional risk groups defined for the storage facilities on its territory in Regulation (EU) 2017/1938 an aggregated form. The decision of the Commission to set the “filling trajectories” will will should be taken after consultation having taken into account the assessment of the Gas Coordination Group GCG. The “filling trajectory” of a Member State should be set in a manner that does not unduly distort the competitive position of storage facilities in that Member State in comparison with storage facilities in adjacent Member States.	
18.			<u>(8a) In order to determine the individual trajectory of each Member State based on the filling trajectory proposed by the Member States, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁷.</u>	
19.	(9) Member States may not always be able to meet the filling targets on time due to technical issues such as problems related to the pipelines feeding the storage site or with the injection facilities. In such cases, it is appropriate that	(9) Member States may not always be able to meet the filling targets on time due to technical issues such as problems related to the pipelines feeding the storage site or with the injection	<u>(9) The filling trajectory and the respective intermediate targets should be based on the average filling rate during the five preceding years. For countries for which the filling target is reduced to 35% of their</u>	

⁷ 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).

	<p>Member States should have the flexibility to meet the target at a later stage. However, the filling target should be met as soon as technically possible and no later than on the 1 December in order to ensure the security of supply for the winter period.</p>	<p>facilities. In such cases, it is appropriate that Member States should have the flexibility to meet the target at a later stage. However, the filling target should be met as soon as technically possible and no later than on the 1 December in order to ensure the security of supply for the winter period.</p>	<p><u>consumption, the intermediate targets of the filling trajectory should be reduced accordingly.</u> Member States may not always be able to meet the filling targets on time due to technical issues such as problems related to the pipelines feeding the <u>underground storage site-facilities</u> or <u>problems</u> with the injection facilities. In such cases, it is appropriate that Member States should have the flexibility to meet the <u>relevant</u> target at a later stage. However, the filling target should be met as soon as technically possible and no later than on the 1 December <u>of the year concerned</u> in order to ensure the security of <u>gas</u> supply for the winter period.</p>	
20.		<p><i>(9a) As of 2023, a Member State that risks failing to meet the filling target due to specific technical characteristics or due to legal barriers related to the usage of one or more storage facilities within its territory, should have the option to offset this failure by achieving the equivalent amount of energy savings during that year. For that purpose, Member States should consider implementing energy efficiency obligation schemes (EEOS). Namely, a Member State could place an obligation on energy distributors, including distribution system</i></p>		

		<i>operators, retail energy sales companies or transmission system operators to achieve energy savings through energy efficiency measures, such as replacement of inefficient fossil fuel-based appliances.</i>		
21.	(10) Moreover, Member States may not be able to meet the filling targets in case of an EU-wide emergency, that is in times of extreme scarcity of gas. Therefore, the filling targets should not apply where and for as long as the Commission has declared a Union or regional emergency pursuant to Article 12 of Regulation (EU) 2017/1938.	(10) Moreover, Member States may not be able to meet the filling targets in the event case of an EU-wide a regional or Union emergency, that is in times of extreme scarcity of gas. Therefore, the filling targets should not apply where and for as long as the Commission has declared a Union or regional emergency pursuant to Article 12 of Regulation (EU) 2017/1938, at the request of at least one or two Member States having declared a national emergency according to Article 11 of Regulation (EU) 2017/1938.	(10) Moreover In addition, Member States may not be able to meet the filling targets or intermediary targets in the case of an EU-wide a regional or Union emergency, including where gas supply is insufficient pursuant to Article 11(1)(c) of Regulation (UE) 2017/1938 ; that is the Commission may declare at the request of one or two Member States having declared a national emergency in times of extreme scarcity the sense of gas, that this Regulation. Therefore, the filling targets, including the burden-sharing target, should not apply where if, and for as long as, the Commission has declared a regional or Union or regional emergency pursuant to Article 12 of Regulation (EU) 2017/1938.	
22.	(11) Competent authorities shall continuously monitor the filling of the underground storage facilities in order to ensure that their national filling trajectories are met. The national filling trajectories are defined considering a bandwidth of two	(11) Competent authorities shall continuously monitor the filling of the underground storage facilities in order to ensure that their national filling trajectories are met. The national filling trajectories are defined considering a bandwidth of two	(11) Competent authorities shall should continuously monitor the filling levels of the underground storage facilities in order to ensure that their national filling trajectories are met. The national filling trajectories should be are set within defined considering a	

	percentage points. If the filling level of a given Member State is more than 2 percentage points below the targets of the filling trajectory, the competent authorities shall immediately take effective measures to increase the filling level. Member States shall inform the Commission and the Gas Coordination Group of such measures..	percentage points. If the filling level of a given Member State is more than 3.52 percentage points below the targets of the filling trajectory, the competent authorities shall immediately take effective measures to increase the filling level. Member States shall inform the Commission and the Gas Coordination Group of such measures.	bandwidth of two <u>five</u> percentage points. If the filling level of a given Member State is more than 2 <u>five</u> percentage points below targets level of the filling trajectory, the competent authorities shall <u>should</u> immediately take effective measures to increase the filling level. Member States shall <u>should</u> inform the Commission and the Gas Coordination Group <u>GCG</u> of such measures.	
23.	(12) Substantial and sustained deviation from the filling trajectories can jeopardise reaching adequate levels of storage which are necessary to ensure security of supply in the Union, in a spirit of solidarity. In case of such substantial and sustained deviations, the Commission should therefore be empowered to take effective measures to avoid security of supply problems resulting from unfilled storages. When deciding upon the adequate measures, the Commission shall take into account the specific situation of the respective Member State, such as the size of the storage facilities in relation to the domestic gas consumption or the importance of the storage facilities for security of supply in the region. As this Regulation will enter into force	(12) Substantial and sustained deviation from the filling trajectories can jeopardise reaching adequate levels of storage which are necessary to ensure security of supply in the Union, in a spirit of solidarity. In case of such substantial and sustained deviations, the Commission should therefore be empowered to take effective measures to avoid security of supply problems resulting from unfilled storages. When deciding upon the adequate measures, the Commission shall take into account the specific situation of the respective Member State, such as the size of the storage facilities in relation to the domestic gas consumption or the importance of the storage facilities for security of supply in the region. As this Regulation will enter into force	(12) The S <u>The S</u> ubstantial and sustained deviation <u>by a Member State</u> from the filling trajectories can jeopardise reaching <u>filling levels and the filling target, of storage</u> which are necessary to ensure security of <u>gas</u> supply in the Union, in a spirit of solidarity. In <u>the</u> case of such <u>a</u> substantial and sustained deviations, the Commission should therefore be empowered to take effective measures to avoid security of <u>gas</u> supply problems resulting from unfilled storages. When deciding upon the adequate <u>such effective</u> measures, the Commission shall <u>should</u> take into account the specific situation of the respective Member State <u>concerned</u> , such as the size of the <u>underground</u> storage facilities in relation to the importance of the <u>underground</u>	

	<p>after the start of the storage filling season in 2022, any measures taken by the Commission to address deviations from the filling trajectory for the year 2022 should take into account the limited time for the implementation of this Regulation at national level. The Commission should ensure that the measures do not go beyond what is necessary to maintain security of supply, without putting disproportionate burden on Member States, gas market participants, storage system operators or citizens.</p>	<p>after the start of the storage filling season in 2022, any measures taken by the Commission to address deviations from the filling trajectory for the year 2022 should take into account the limited time for the implementation of this Regulation at national level. The Commission should ensure that the measures do not go beyond what is necessary to maintain security of supply, without putting disproportionate burden on Member States, gas market participants, storage system operators or citizens.</p>	<p>storage facilities for security of gas supply in the region. As this Regulation will enter into force after the start of the storage filling season in 2022, any measures taken by the Commission to address deviations from the filling trajectory for the year 2022 should take into account the limited time for the implementation of this Regulation at national level. The Commission should ensure that the measures do not go beyond what is necessary to maintain security of gas supply, without putting disproportionate burden on Member States, gas market participants, storage system operators or citizens consumers.</p>	
24.	<p>(13) Member States should take all necessary measures to ensure that the mandatory filling targets are met. With a view to the different regulatory regimes already in place in many Member States to support storage filling, no specific instrument to meet the filling trajectory and reach the filling target is prescribed, and Member State enjoy freedom to choose the instrument which is most appropriate in their national system, provided the conditions in Article 6(b)(2) and (3) are respected. Member States therefore have the freedom to choose which market</p>	<p>(13) Member States should take all necessary measures to ensure that the mandatory filling targets are met while aiming to use market-based solutions as a first recourse so as to avoid unnecessary market disruptions. With a view to the different regulatory regimes already in place in many Member States to support storage filling, no specific instrument to meet the filling trajectory and reach the filling target is prescribed, and Member State enjoy freedom to choose the instrument which is most appropriate in their national</p>	<p>(13) Member States should take all necessary measures to ensure that the mandatory-filling targets are met. <u>Member States may should be able to choose to set a higher filling target.</u> With a view to the different various regulatory regimes already in place in many Member States to support storage the filling of storage facilities, no specific instrument to meet the filling trajectory and reach the filling target is <u>should be prescribed,</u> and Member States <u>should enjoy freedom to choose be able to decide which the</u> instrument which is most appropriate in their national</p>	

<p>participant(s) to oblige to ensure the filling of the storages. They can also decide whether regulatory means, such as measures to oblige capacity holders to free up unused capacity which are possible under existing EU market rules, may be sufficient to meet the filling targets, or if financial incentives, which might constitute State aid, are necessary. Member States should use coordinated instruments, such as platforms for the purchase of LNG, with other Member States to maximise the utilisation of LNG to fill storages, and reduce infrastructure and regulatory barriers to the shared use of LNG to fill storages.</p>	<p>system, provided the conditions in Article 6(b)(2) and (3) are respected. Member States therefore have the freedom to choose which market participant(s) to oblige to ensure the filling of the storages. They can also decide whether regulatory means, such as measures to oblige capacity holders to free up unused capacity which are possible under existing EU market rules, <i>for example by removing storage capacity price floors and allowing them to become negative</i>, may be sufficient to meet the filling targets, or if financial incentives, which might constitute State aid, are necessary. Member States should use coordinated instruments, such as platforms for the purchase of LNG, with other Member States to maximise the utilisation of LNG to fill storages, and reduce infrastructure and regulatory barriers to the shared use of LNG to fill storages.</p>	<p>systems, provided the conditions in Article 6(b)(2) and (3) are respected<u>complied with</u>. Member States <u>should</u> therefore have the <u>possibility to decide on the freedom to choose which</u> market participant(s) to oblige<u>be required</u> to ensure the filling of the storage facilities<u>facilities</u>. They can<u>should</u> also <u>be able to</u> decide whether regulatory means, such as measures to oblige capacity holders to free up unused capacity, which are possible under existing EU<u>Union</u> market rules, may<u>be</u> sufficient to meet the filling targets, or if whether financial incentives, which might constitute State aid, are necessary. <u>or storage tariff rebates are necessary. In the case of a Member State imposing an obligation on gas suppliers which supply gas to protected customers on its territory to store gas in underground storage facilities, the amount of gas stored should be determined based on the amount of natural gas supplied to those protected customers.</u> Member States should use coordinated instruments, such as platforms for the purchase of <u>liquefied natural gas (LNG)</u>, with other Member States <u>in order</u> to maximise the utilisation of LNG to fill storages <u>facilities</u>, and <u>should</u> reduce infrastructure and regulatory</p>	
---	--	---	--

			barriers to the shared use of LNG to fill storage facilities .	
25.	(14) The Commission Communication COM(2022) 108 final of 8 March 2022, entitled ‘REPowerEU: Joint European Action for more affordable, secure and sustainable energy’ has clarified in this respect that Union law allows Member States to provide State aid to suppliers under Article 107(3)(c) TFEU in order to ensure filling of storages, for example in the form of guarantees (‘two-way contract for difference’).	(14) The Commission Communication COM(2022) 108 final of 8 March 2022, entitled ‘REPowerEU: Joint European Action for more affordable, secure and sustainable energy’ has clarified in this respect that Union law allows Member States to provide State aid to suppliers under Article 107(3)(c) TFEU in order to ensure filling of storages, for example in the form of guarantees (‘two-way contract for difference’).	(14) The Commission Communication COM(2022) 108 final of 8 March 2022, entitled ‘REPowerEU: Joint European Action for more affordable, secure and sustainable energy’ has clarified in this respect that Union law allows Member States to provide State aid to suppliers under Article 107(3)(c) <u>TFEU of the Treaty on the Functioning of the European Union</u> in order to ensure <u>the</u> filling of storages <u>facilities</u> , for example in the form of guarantees (‘two-way contract for difference’).	
26.	(15) Any measure taken to ensure the filling of gas storage should be necessary, clearly defined, transparent, proportionate, non-discriminatory and verifiable, and should not unduly distort competition or the effective functioning of the internal market in gas or endanger the security of gas supply of other Member States or of the Union. In particular, such measures taken should not lead to strengthening a dominant position or windfall gains for undertakings controlling storage facilities or having booked but not used storage capacity.	(15) Any measure taken to ensure the filling of gas storage should be necessary, clearly defined, transparent, proportionate, non-discriminatory and verifiable, and should not unduly distort competition or the effective functioning of the internal market in gas or endanger the security of gas supply of other Member States or of the Union. In particular, such measures taken should not lead to strengthening a dominant position or windfall gains for undertakings controlling storage facilities or having booked but not used storage capacity.	(15) Any measure taken <u>by Member States</u> to ensure the filling of <u>underground gas storage facilities, including the conditions to be imposed on filling based on burden sharing pursuant to Article 6 c, and the conditions to be imposed on withdrawal of gas from underground storage facilities,</u> should be necessary, clearly defined, transparent, proportionate, non-discriminatory and verifiable, and should not unduly distort competition or the effective functioning of the internal market in gas or endanger the security of gas supply of other Member States or of the Union. In particular, such	

			measures taken should not lead to <u>the</u> strengthening <u>of</u> a dominant position, or <u>to</u> windfall gains for undertakings <u>that</u> controlling <u>underground</u> storage facilities or having have booked, but not used, storage capacity.	
27.	(16) The efficient use of the existing infrastructure, including cross-border transmission capacities, storage facilities and LNG facilities are important factors in ensuring security of supply in a spirit of solidarity. Open energy borders are key for security of supply, also in times of gas disruptions at national, regional or Union level. Therefore, any measure taken to ensure the filling of gas storage should not block or restrict cross-border capacities allocated in accordance with the provisions of Commission Regulation (EU) 2017/459.	(16) The efficient use of the existing infrastructure, including cross-border transmission capacities, storage facilities and LNG facilities are important factors in ensuring security of supply in a spirit of solidarity. Open energy borders are key for security of supply, also in times of gas disruptions at national, regional or Union level. Therefore, any measure taken to ensure the filling of gas storage should not block or restrict cross-border capacities allocated in accordance with the provisions of Commission Regulation (EU) 2017/459.	(16) The efficient use of the existing infrastructure, including cross-border transmission capacities, <u>underground</u> storage facilities and LNG facilities are is important to factors in ensuring security of <u>gas</u> supply in a spirit of solidarity. Open energy borders are key for security of <u>gas</u> supply, also <u>including</u> in times of gas <u>supply</u> disruptions at national, regional or Union level. Therefore, any measures taken to ensure the filling of <u>gas</u> -storage <u>facilities</u> should not block or restrict cross-border capacities allocated in accordance with pursuant to the provisions of of Commission Regulation (EU) 2017/459 ⁸ . <u>In addition, Member States should ensure that storage remains available, including to neighbouring Member states and including in an emergency pursuant to Article 11(1), point (c), in accordance with provisions of this Regulation (Regulation 2017/1938)</u>	

⁸

Commission Regulation (EU) 2017/459 of 16 March 2017 establishing a network code on capacity allocation mechanisms in gas transmission systems and repealing Regulation (EU) No 984/2013 (OJ L 72, 17.3.2017, p. 1).

28.	<p>(17) The storage obligation will impose financial burdens on the relevant actors in those Member States, which have relevant storage facilities in their territory, while the increase in the level of security of supply will benefit all Member States including those Member States, which do not have storage facilities. To share the burden, in a spirit of solidarity, of ensuring that storage facilities in the Union are sufficiently filled to ensure security of supply, Member States without storage facilities should comply with the obligation to use storage in other Member States. In case there is no interconnection with other Member States, or limited cross-border transmission capacity or other technical reasons make it impossible to use storage facilities in other Member States, the obligation should be reduced accordingly.</p>	<p>(17) The storage obligation will impose financial burdens on the relevant actors in those Member States, which have relevant storage facilities in their territory, while the increase in the level of security of supply will benefit all Member States including those Member States, which do not have storage facilities. To share the burden, in a spirit of solidarity, of ensuring that storage facilities in the Union are sufficiently filled to ensure security of supply, Member States without storage facilities should comply with the obligation to use storage in other Member States. In case there is no interconnection with other Member States, or limited cross-border transmission capacity or other technical reasons make it impossible to use storage facilities in other Member States, the obligation should be reduced accordingly.</p>	<p>(17) The storage obligation will is likely to impose financial burdens on the relevant actors in those Member States, which have relevant underground storage facilities in their territory, while the increase in the level of security of gas supply will is intended to benefit all Member States including those that Member States, which do not have underground storage facilities. To share the burden, in a spirit of solidarity, the burden of ensuring that underground storage facilities in the Union are sufficiently filled to ensure security of gas supply, Member States without underground storage facilities should comply with the obligation to use underground storage in other Member States. In case the event that a Member State has there is no interconnection with other Member States, or if a Member State's limited cross-border transmission capacity or other technical reasons make it impossible to use underground storage facilities in other Member States, the that obligation should be reduced accordingly.</p>	
29.	<p>(18) However, Member States should not be subject to such an obligation if they jointly develop an alternative burden sharing mechanism with one or more Member States with storage</p>	<p>(18) However, Member States should not be subject to such an obligation if they jointly develop an alternative burden sharing mechanism with one or more</p>	<p>(18) However, Member States without storage should, however, should not be subject to such an obligation if they jointly develop an alternative burden sharing mechanism with one or more</p>	

	<p>facilities. Such alternative mechanism can take into consideration, among others, already existing equivalent legal obligations to store alternative fuels. Member States should notify such alternative burden sharing mechanisms to the Commission.</p>	<p>Member States with storage facilities. Such alternative mechanism can take into consideration, among others, already existing equivalent legal obligations to store alternative fuels. Member States should notify such alternative burden sharing mechanisms to the Commission, <i>which should consult ACER before issuing an opinion. Thus, ACER should be given a reinforced role in the monitoring of security of gas supply measures, including in ensuring transparency on storage filling levels and prices paid.</i></p>	<p>Member States with <u>underground</u> storage facilities. <u>Alternative burden sharing arrangements should provide for the use of storage volumes corresponding to at least 15% of the annual gas consumption in the last five years of those Member States. Also other existing equivalent security of gas supply measures should be taken into account when considering the burden sharing mechanism, like equivalent obligation of alternative fuel stocks including oil, when the conditions set out in this Regulation are met.</u> Such alternative mechanism cancould take into consideration, <u>among others inter alia</u>, already existing equivalent legal obligations to store alternative fuels. Member States should notify such alternative burden sharing mechanisms to the Commission and <u>demonstrate the technical limitations and the equivalence of the measures.</u></p>	
30.	<p>(19) The measures by which Member States without storage facilities share the burden of the storage obligation with Member States with storage facilities may in turn have a financial impact on the relevant market actors. Member States without storage facilities may therefore provide financial incentives or compensation to market</p>	<p>(19) The measures by which Member States without storage facilities share the burden of the storage obligation with Member States with storage facilities may in turn have a financial impact on the relevant market actors. Member States without storage facilities may therefore provide financial incentives or</p>	<p>(19) The measures by which Member States without <u>underground</u> storage facilities share the burden of the storage obligation with Member States with <u>having underground</u> storage facilities may in turn have a financial impact on the relevant market actors. Member States without <u>underground</u> storage facilities mayshould therefore be</p>	

	participants for the shortfall of revenues or for costs incurred by obligations imposed on them which cannot be covered by revenue. If the measure is financed through a levy, that levy shall not be allocated to cross-border interconnection points.	compensation to market participants for the shortfall of revenues or for costs incurred by obligations imposed on them which cannot be covered by revenue. If the measure is financed through a levy, that levy shall not be allocated to cross-border interconnection points.	<u>allowed to</u> provide financial incentives or compensation to market participants for the shortfall of revenues or for <u>the</u> costs incurred by obligations imposed on them which cannot be covered by revenue. If <u>the such</u> measures <u>is</u> <u>are</u> financed through a levy, that levy shall <u>should</u> not be allocated to cross-border interconnection points.	
31.	(20) Effective monitoring and reporting is essential, both for the assessment of the nature and extent of the risks related to security of supply, as well as for the choice of the appropriate measures to counter such risks. Operators of storage facilities should report the filling levels to the national competent authorities on a monthly basis during the filling period. Owners and operators of storage facilities are also encouraged to encode regularly the capacity and the filling level for each storage site at a central reporting platform.	(20) Effective monitoring and reporting is essential, both for the assessment of the nature and extent of the risks related to security of supply, as well as for the choice of the appropriate measures to counter such risks. Operators of storage facilities should report the filling levels to the national competent authorities on a monthly basis during the filling period. Owners and operators of storage facilities are also encouraged to encode regularly the capacity and the filling level for each storage site at a central reporting platform.	(20) Effective monitoring and reporting is essential, both for the assessment of the nature and extent of the risks related to security of <u>gas</u> supply, as well as for the choice of the appropriate measures to counter such risks. Operators of <u>underground</u> storage facilities should report the filling levels to the national competent authorities on a monthly basis during the filling period. Owners and operators of <u>underground</u> storage facilities are also encouraged to encode regularly the capacity and the filling level for each storage site <u>facility</u> at a central reporting platform.	
32.	(21) The regulatory authorities should play an important role in monitoring security of supply, one of the tasks attributed to the regulators by the Internal Energy Market legislation, and ensure a	(21) The regulatory authorities should play an important role in monitoring security of supply, one of the tasks attributed to the regulators by the Internal Energy Market legislation, and ensure a	(21) The regulatory <u>competent</u> authorities should play an important role in monitoring security of <u>gas</u> supply, one of the tasks attributed to the regulators by the Internal Energy Market legislation, and	

	<p>balance between security and the cost of the measures for consumers. The Commission will monitor the filling levels, jointly with the competent authorities of Member States.</p>	<p>balance between security and the cost of the measures for consumers. The Commission will monitor the filling levels, jointly with the competent authorities of Member States. <i>ACER may assist the Commission and the competent authorities of Member States in carrying out the monitoring roles. The monitoring should cover not only the effectiveness of the various storage filling regimes but also the cost-efficiency of the measures. Therefore, the monitoring data needs to include both gas volumes stored, the filling levels and prices paid for those volumes. Relevant monitoring data should be made available to the Commission, the Competent Authorities of Member States and ACER, who shall preserve the confidentiality of commercially sensitive information.</i></p>	<p>ensure a balance between security and the cost of the measures for consumers. The Commission will <u>The competent authorities of Member States or an entity designated by the Member State should</u> monitor the filling levels, <u>of the storage facilities in their territories</u> jointly with the competent authorities of Member States <u>Commission.</u></p>	
33.	<p>(22) The role of the Gas Coordination Group should be reinforced, with an explicit mandate to monitor Member States' performance in the area of gas security of supply, and to develop best practices on that basis in that area. The Commission shall therefore regularly report to the Gas</p>	<p>(22) The role of the Gas Coordination Group should be reinforced, with an explicit mandate to monitor Member States' performance in the area of gas security of supply, and to develop best practices on that basis in that area. The Commission shall therefore regularly report to</p>	<p>(22) The role of the Gas Coordination Group <u>GCG</u> should be reinforced, with an explicit mandate to monitor Member States' performance in the area of gas security of <u>gas</u> supply, and to develop best practices on that basis in that area. The Commission shall <u>should</u> therefore regularly report to the Gas Coordination</p>	

	Coordination Group, which shall support the Commission in monitoring the filling targets, and in ensuring that the filling targets are met.	the Gas Coordination Group, which shall support the Commission in monitoring the filling targets, and in ensuring that the filling targets are met.	Group GCG , which shall support s should assist the Commission in monitoring the filling targets, and in ensuring that the filling targets are met.	
34.	(23) The Union considers that the storage system sector is of high importance to the Union, its security of energy supplies and its other essential security interests. Accordingly, storage facilities are considered critical infrastructure within the meaning of Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection. The Member States should take into account the measures under this Regulation in their national energy and climate plans and the progress reports adopted pursuant Regulation 2018/1999.	(23) The Union considers that the storage system sector is of high importance to the Union, its security of energy supplies and its other essential security interests. Accordingly, storage facilities are considered critical infrastructure within the meaning of Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection. The Member States should take into account the measures under this Regulation in their national energy and climate plans and the progress reports adopted pursuant Regulation 2018/1999.	(23) The Union considers that The storage system sector is of high importance to the Union, its security of energy supplies and its other essential security interests. Accordingly, underground storage facilities are considered to be critical infrastructure within the meaning of Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection ⁹ . The Member States should are encouraged to take into account the measures under introduced by this Regulation in their national energy and climate plans and in the progress reports adopted pursuant to Regulation 2018/1999: of the European Parliament and of the Council ¹⁰ .	

⁹ Council Directive 2008/114/EC of 8 December 2008 on the identification and designation of European critical infrastructures and the assessment of the need to improve their protection (OJ L 345, 23.12.2008, p. 75).

¹⁰ 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

35.	<p>(24) The Union considers that additional safeguards are necessary in the storage system network to avoid any threats to public order and public security in the Union and to the welfare of the citizens of the Union. Member States should ensure that each storage system operator, including such operators controlled by transmission system operators, is certified under this Regulation by the regulatory authority or another competent authority designated by the Member State to ensure that the influence over storage system operators does not put at risk the security of energy supply or any other essential security interest in the Union or any Member State. For the analysis of possible security of supply risks in other Member States, coordination between Member States in the security of supply assessment, is important and should not discriminate between market participants and should fully comply with the principles of a well-functioning internal market. In order to quickly alleviate the danger of low storage levels, the certification should be prioritised and carried out faster for larger</p>	<p>(24) The Union considers that additional safeguards are necessary in the storage system network to avoid any threats to public order and public security in the Union and to the welfare of the citizens of the Union. Member States should ensure that each storage system operator, including such operators controlled by transmission system operators, is certified under this Regulation by the regulatory authority or another competent authority designated by the Member State to ensure that the influence over storage system operators does not put at risk the security of energy supply or any other essential security interest in the Union or any Member State. For the analysis of possible security of supply risks in other Member States, coordination between Member States in the security of supply assessment, is important and should not discriminate between market participants and should fully comply with the principles of a well-functioning internal market. In order to</p>	<p>(24) The Union considers that <u>Additional</u> safeguards are necessary in the storage system network to avoid any threats to public order and public security in the Union and to the welfare of the citizens of the Union. Member States should ensure that each storage system operator, including such operators <u>themselves</u> controlled by transmission system operators, <u>and each storage system owner</u> is certified under this Regulation by the regulatory authority or another competent authority designated by the Member State, <u>in order</u> to ensure that the influence over storage system operators <u>storage system owner</u> does not put at risk the security of energy supply or any other essential security interest in the Union or any Member State. For the analysis of possible security of <u>gas</u> supply risks in other Member States, coordination between Member States in the security of <u>gas</u> supply assessment, is important and should not discriminate between market participants and should fully comply with the principles of a</p>	
-----	---	---	---	--

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).

	<p>storages and storages which have recently been filled at consistently low levels, so as to ensure that potential security of supply problems resulting from the control over such large storages can be excluded.</p>	<p>quickly alleviate the danger of low storage levels, the certification should be prioritised and carried out significantly faster for larger storages and storages which have recently been filled at consistently low levels, so as to ensure that potential security of supply problems resulting from the control over such large storages can be excluded or if possible rectified.</p>	<p>well-functioning internal market. In order to quickly alleviate the danger-risk of low storage-filling levels, the-that certification should be prioritised and carried out faster for larger storages facilities and storages facilities which have recently been filled at consistently low levels, so as to ensure that potential security of gas supply problems resulting from the control over such large storages facilities can be excluded. To determine the group of storages which should be certified with priority due to unusually low filling levels in March 2021 and 2022, the average storage filling level of the last 6 years of all EU underground storages on 31 March of [35%] should be considered .</p>	
36.	<p>(25) Regulatory authorities should refuse the certification if a person who directly or indirectly controls or exercises any right over the storage system operator may put at risk the security of energy supply or any other essential security interest Member State, regional or Union level. In this assessment the regulatory authorities should take into account commercial relationships that could negatively affect the incentives and ability of the</p>	<p>(25) Regulatory authorities should refuse the certification if a person who directly or indirectly controls or exercises any right over the storage system operator may put at risk the security of energy supply or any other essential security interest Member State, regional or Union level. In this assessment the regulatory authorities should take into account corporate structures or</p>	<p>(25) Regulatory authorities should refuse the certification if a person who directly or indirectly controls or exercises any right over the storage system operator may put at risk the security of energy supply or any other essential security interest at Member State, regional or Union level. In making thatis assessment the regulatory authorities should take into account commercial relationships that could negatively affect the incentives and ability of the storage operator to fill</p>	

<p>storage operator to fill the storage facility, as well as the international obligations of the Union and any other specific facts and circumstances of the case. To ensure the consistent application of those rules across the Union, respect for the international obligations of the Union and solidarity and energy security within the Union, the regulatory authorities should take into utmost account the Commission's opinion when they take decisions on certification. Where a regulatory authority refuses the certification, it should have the power to require any person to dispose of the shareholding or rights they have over the storage system operator and to set a time limit for such disposal, to order any other appropriate measure to ensure that that person or those persons cannot exercise any control or right over that storage system operator, and to decide on appropriate compensatory measures. Any measure taken in the certification decision to address security of supply risks or other essential security interests should be necessary, clearly defined, transparent, proportionate and non-discriminatory.</p>	<p>commercial relationships, <i>in particular risks posed by commercial relationships with entities from third countries</i> that could negatively affect the incentives and ability of the storage operator to fill the storage facility, as well as the international obligations of the Union and any other specific facts and circumstances of the case. To ensure the consistent application of those rules across the Union, respect for the international obligations of the Union and solidarity and energy security within the Union, the regulatory authorities should take into utmost account the Commission's opinion when they take decisions on certification <i>and properly adjust their decisions where relevant or required.</i></p>	<p>the storage facility, as well as the international obligations of the Union and any other specific facts and circumstances of the case. To ensure the consistent application of those rules across the Union, <u>the observance of respect</u> for the international obligations of the Union and solidarity and energy security within the Union, the regulatory authorities should take into utmost account the Commission's opinion when they take decisions on certification, <u>including by amending their decision where appropriate.</u> Where a regulatory authority refuses the certification, it should have the power to require any person to dispose of the shareholding or rights they have over the storage system operator and to set a time limit for such disposal, to order any other appropriate measure to ensure that that person or those persons cannot exercise any control or right over that storage system operator, and to decide on appropriate compensatory measures. Any measure taken in the certification decision to address security of <u>gas</u> supply risks or other essential security interests should be necessary, clearly defined, transparent, proportionate and non-discriminatory.</p>	
--	---	---	--

37.		<p>(25a) [formed from dividing 25] <i>Because of the strategic nature of gas storage infrastructure and the need to meet the filling targets, refusal of certification is not enough to reduce the risk to security of energy supply or any other essential security risks.</i> Therefore, where a regulatory authority refuses the certification, it should have the power to require any person to dispose of the shareholding or rights they have over the storage system operator and to set a time limit for such disposal, to order any other appropriate measure to ensure that that person or those persons cannot exercise any control or right over that storage system operator, and to decide on appropriate compensatory measures. Any measure taken in the certification decision to address security of supply risks or other essential security interests should be necessary, clearly defined, transparent, proportionate and non-discriminatory.</p>		
38.			<p><u>(25 a) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of</u></p>	

			<p><u>Fundamental Rights of the European Union ('the Charter'). In particular, it respects the right not to be deprived of one's possessions, except in the public interest and in the cases and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss as provided for in Article 17 of the Charter and the right to an effective judicial remedy and to a fair trial as provided for in Article 47 of the Charter.</u></p>	
39.	<p>(26) If enterprises are due to purchase more gas when such gas is expensive, this could further drive up prices. Therefore this Regulation is accompanied by the removal of entry and exit tariffs for transmission capacity to and from storage, making storage more attractive for market participants. Regulatory and competition authorities should also use their competences to effectively exclude undue increases of storage tariffs.</p>	<p>(26) If enterprises are due to purchase more gas when such gas is expensive, this could further drive up prices. Therefore this Regulation is accompanied by the removal of entry and exit tariffs for transmission capacity to and from storage, making storage more attractive for market participants. Regulatory and competition authorities should also use their competences to effectively exclude undue increases of storage tariffs.</p>	<p>(26) If enterprises are due to purchase more gas when such gas is expensive, this could further drive up prices. Therefore this Regulation is accompanied by the removal of <u>enables Member States to remove</u> entry and exit tariffs for transmission <u>and distribution capacity to and from storage, or to apply discounts up to 100% to both underground storage and LNG facilities</u> making storage more attractive for market participants. Regulatory and competition authorities should <u>are</u> also <u>encouraged to</u> use their competences <u>powers</u> to effectively exclude undue increases of storage tariffs.</p>	

40.	(27) In view of the exceptional circumstances of the current situation and the uncertainties related to future geopolitical developments, Member States are encouraged to meet the filling targets as quickly as possible, and in any event no later than within the timeframes set out in this Regulation.	(27) In view of the exceptional circumstances of the current situation and the uncertainties related to future geopolitical developments, Member States are encouraged to meet the filling targets as quickly as possible, and in any event no later than within the timeframes set out in this Regulation.	(27) In view of the current exceptional circumstances of the current situation and the uncertainties related to future changes in the geopolitical developments situation , Member States are encouraged to meet the filling targets as quickly as possible, and in any event no later than within the timeframes set out in this Regulation.	
41.		<i>(27a) The supply standard should oblige Member States to maintain a minimum level of supply diversification to ensure their security of gas supply in the event that a single supplier is disrupted (S-1 standard).</i>		
42.	(28) Considering the imminent danger for the security of supply brought about by the current armed conflict, this Regulation should enter into force the day after its publication in the Official Journal. In order to ensure coherence with the Commission Proposal COM/2021/804 final for a Regulation of the European Parliament and of the Council on the internal markets for renewable and natural gases and for hydrogen (recast), this Regulation should only apply until a regulation on the internal markets for renewable and natural gases and for hydrogen, following the	(28) Considering the imminent danger for the security of supply brought about by the current Russian war in Ukraine armed conflict , this Regulation should enter into force on the day after its publication in the Official Journal . In order to ensure coherence with the Commission proposal Proposal COM/2021/804 final for a Regulation of the European Parliament and of the Council on the internal markets for renewable and natural gases and for hydrogen (recast), the provisions introduced by this Regulation should only only apply until a regulation on the basis of that	(28) Considering the imminent danger for the security of gas supply brought about by the current armed conflict , this Regulation should enter into force on the day after its publication in the Official Journal . In order to ensure coherence with the Commission Proposal Proposal COM/2021/804 final for a Regulation of the European Parliament and of the Council on the internal markets for renewable and natural gases and for hydrogen (recast) , this Regulation should expire only apply until a regulation on the internal markets for	

	above mentioned Commission Proposal COM/2021/804 final, is adopted and enters into force, reflecting the amendments introduced by this Regulation.	proposal internal markets for renewable and natural gases and for hydrogen, following the above mentioned Commission Proposal COM/2021/804 final, is adopted and enters into force, reflecting the amendments introduced by this Regulation <i>or until 1 July 2024, whichever the earlier.</i>	renewable and natural gases and for hydrogen, following the above mentioned Commission Proposal COM/2021/804 final, is adopted and enters into force, reflecting the amendments introduced by this Regulation, on 31 December 2026.	
43.			<u>(29) Regulations (EU) 2017/1938 and (EC) no 715/2009 should therefore be amended accordingly,</u>	
44.	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	<i>HAVE ADOPTED THIS REGULATION:</i>	HAVE ADOPTED THIS REGULATION:
45.	Article 1	Article 1	<i>Article 1</i>	Article 1
46.	Amendments to Regulation (EU) 2017/1938	Amendments to Regulation (EU) 2017/1938	Amendments to Regulation (EU) 2017/1938	Amendments to Regulation (EU) 2017/1938
47.	Regulation (EU) 2017/1938 is amended as follows:	Regulation (EU) 2017/1938 is amended as follows:	Regulation (EU) 2017/1938 is amended as follows:	Regulation (EU) 2017/1938 is amended as follows:
48.	(1) In Article 2, the following points are added:	(1) In Article 2, the following points are added:	(1) In Article 2, the following points are added:	(1) In Article 2, the following points are added:
49.	“(27) ‘filling trajectory’ means several intermediary targets for each Member State as listed in Annex Ia and Ib;	“(27) ‘filling trajectory’ means several intermediary targets for each Member State as listed in Annex Annexes Ia and Ib;	“(27) ‘filling trajectory’ means several intermediary targets for each Member State as listed defined pursuant to the procedure in Annex Ia and Ib Article 6a ;	
50.	(28) ‘filling target’ means a binding target for the filling level of storage facilities for non-liquefied natural gas;	(28) ‘filling target’ means a binding target for the filling level of storage facilities for non-liquefied natural gas;	(28) ‘filling target’ means a binding target for the filling level of underground storage facilities for non-liquefied natural gas ;	
51.	(29) ‘strategic storage’ means storage of non-liquefied natural gas which is subject to public authority authorisation for release, cannot be sold to the market but	(29) ‘strategic storage’ means storage of non-liquefied natural gas by transmission system operators or an entity designated by the Member State	(29) ‘strategic storage reserves ’ means underground storage or part of underground storage of non-liquefied natural gas purchased, managed and stored	

	only released in case of supply scarcity, a supply disruption or emergency.”	which is subject to public authority authorisation for release, cannot be sold to the market but only released in the event of supply scarcity, a supply disruption or emergency.	<u>by transmission systems operators TSOs or an undertaking or entity designated by the Member States</u> which is subject to <u>prior notification or public authority authorisation for release, cannot be and generally released or sold to the market but only released in case of major supply scarcity, a supply disruption or emergency declared pursuant to Article 11(1), point (c).</u>	
52.	(30) ‘strategic stock’ means non-liquefied natural gas purchased, managed and stored by transmission system operators exclusively for carrying out their functions as transmission system operators and for the purpose of security of supply. Gas stored as part of a strategic stock shall be dispatched only where required to keep the system in operation under secure and reliable conditions in line with Article 13 of 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 or in case of a declared emergency under Article 11 and can otherwise not be sold on	(30) ‘ strategic balancing stock’ means non-liquefied natural gas purchased, managed and stored by transmission system operators exclusively for carrying out their functions as transmission system operators and by TSOs or an entity designated by the Member State for the purpose of security of supply. Gas stored as part of a strategic stock shall be dispatched only where required to keep the system in operation under secure and reliable conditions in line with Article 13 of 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	(30) ‘ strategic balancing stock’ means non-liquefied natural gas purchased, managed and stored <u>underground</u> by transmission system operators <u>exclusively or an entity designated by the Member State exclusively</u> for carrying out their functions as transmission system operators and for the purpose of security of supply. Gas stored as part of a strategic stock shall be dispatched <u>gas supply dispatched</u> only where required to keep the system in operation under secure and reliable conditions in line with Article 13 of Directive 2009/73/EC of the European Parliament and of the Council ¹¹ of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC and with	

11

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).

	wholesale gas markets;’	or in <i>the event</i> case of a declared emergency under Article 11 and can otherwise not be sold on wholesale gas markets;”	<u>Articles 8 and 9 of Commission Regulation EU 312/2014¹² or in case of a declared emergency under Article 11 and can otherwise not be sold on wholesale gas markets;</u>	
53.		<i>(1a) in Article 3, paragraphs 5 and 6 are replaced by the following:</i>		
54.		‘5. The Commission shall coordinate the action of the competent authorities at regional and Union levels, pursuant to this Regulation, inter alia, through the GCG or, in particular, in the event of a regional or Union emergency pursuant to Article 12(1), through the crisis management group referred to in Article 12(4) and 4(1a) .		
55.		6. In the event of a regional or Union emergency, the transmission system operators shall cooperate and exchange information using the ReCo System for Gas established by ENTSOG. ENTSOG shall inform the Commission, <i>the crisis management group</i> and the competent authorities of the Member States concerned accordingly.’		
56.		<i>(1b) in Article 4, the following paragraph is inserted:</i>		

¹²

Commission Regulation (EU) 312/2014 of 26 March 2014 establishing a Network Code on Gas Balancing of Transmission Networks (OJ L 91, 27.3.2014, p. 15).

57.		<i>1a. A crisis management group shall be established as a permanent sub-group of the GCG in order to facilitate the coordination of relevant actors and resolve security of supply crises. The crisis management group shall be chaired by the Commission.</i>		
58.		<i>(1c) Article 6 is amended as follows:</i>		
59.		<i>(a) in paragraph 1, the following point is added:</i>		
60.		<i>(d) for a period of 6 months in the event of disruption of a single supply source or a single LNG supplying country (S-1 standard).;</i>		
61.		<i>(a) in paragraph 2, the introductory wording is replaced by the following:</i>		
62.		2. Any increased gas supply standard beyond the 30-day period referred to in points (b), and (c) and (d) of paragraph 1 or any additional obligation imposed for reasons of security of gas supply shall be based on the risk assessment, shall be reflected in the preventive action plan and shall;		

63.			<u>(31) ‘underground gas storage’ means a storage facility, as defined in point 9 of Article 2 of Directive 2009/73/EC, used for the stocking of natural gas and connected to a transmission or distribution system, excluding above ground spherical or pipe storages.</u>	
64.	(2) The following Articles 6a to 6e are inserted:	(2) The following articles 6a to 6e are inserted:	(2) <i>The following Articles 6a to 6e are inserted:</i>	[same] (2) The following Articles 6a to 6e are inserted:
65.	‘Article 6a	‘Article 6a	‘Article 6a	‘Article 6a
66.	Mandatory filling target and filling trajectory	<i>Mandatory filling target and filling trajectory</i>	Mandatory filling targets and filling trajectory	
67.	(1) Each Member State shall ensure that the filling target set out in paragraph 2 for the aggregated capacity of all storage facilities in their territory is reached by 1 November each year.	(1) Each Member State shall ensure that the filling target set out in paragraph 2 for the aggregated capacity of all storage facilities in their territory is reached by 1 November each year.	(1) Each Member States shall ensure that the filling target set out in paragraph 2 for the aggregated capacity of all storage facilities in their territory is reached by 1 November each year. <u>underground storage facilities that are located in their territory and directly interconnected to a market area in their territory is met by 1 November each year.</u>	
68.		<i>(1a) Member States shall, no later than by ... [the date of entry into force of this Regulation], not use gas from countries subject to Union economic restrictive measures to fulfil the filling target set out in paragraph 2.</i>		
69.	(2) For 2022, the filling target shall be set at 80% of the capacity of all storage facilities on the territory of the respective Member	(2) For From 2022 onwards , the filling target shall be set at 80% 90% of the capacity of all storage facilities on the territory of the	(2) <u>Unless specific rules pursuant to letters (2a) to (2d) apply,</u> the filling target for 2022 shall be set at 80% of the capacity	

	States. Unless the Commission decides otherwise pursuant to paragraph 4, the filling target shall be set at 90% for the following years.	respective Member States, <i>considering technical characteristics.</i> Unless the Commission decides otherwise pursuant to paragraph 4, the filling target shall be set at 90% for the following years.	of all storage facilities on the territory <u>and directly interconnected to a market area in their territory and for storage facilities listed in Annex 1a</u> of the respective Member States. Unless the Commission decides otherwise pursuant to paragraph 4, the filling target shall be set at 90% for the following years.	
70.		<i>(2a) As part of the filling target referred to in paragraph 2, Member States may set a minimum target of strategic storage.</i>	<u>(2a) Notwithstanding paragraph 2 and without prejudice to the obligations of other Member States to fill the respective storage facilities, the filling target of the Member States in which the storage facilities are located shall be limited to a volume corresponding to 35% of the average annual gas consumption of the last 5 years in the respective Member State .</u>	
71.			<u>(2b) Notwithstanding paragraph 2 and without prejudice to the obligations of other Member States to fill the respective storage facilities, the filling target of Member States in which the storage facilities are located shall be reduced by the volume during the reference period 2016-2021 which was supplied to third countries if the average volume supplied was more than [15 TWh] per year during the gas storage withdrawal period (October – April).</u>	

72.			<u>(2c) For the storage facilities listed in Annex 1(a), the obligations relating to the filling target pursuant to paragraph 2 and the filling trajectory pursuant to paragraph 4 apply. The details of the respective obligation for each Member State will be determined in a bilateral agreement pursuant to Annex 1(a).</u>	
73.			<u>(2d) The filling target may be partially fulfilled by counting the LNG physically stored and available in the-LNG facilities in Member States where all of the following conditions are met:</u>	
74.			<u>i. The gas system includes a significant capacity of LNG storage, accounting annually for more than [4]% of the average national consumption of the last five years;</u>	
75.			<u>ii. The relevant Member State has imposed an obligation on gas suppliers to store minimum volumes of gas in underground storage facilities and/or LNG facilities according to Article 6b(1)(a).</u>	
76.	(3) Member States shall take the necessary measures to fulfil the intermediary targets as indicated in Annex Ia and Ib for each Member State. For 2022, intermediary targets shall only be set for August, September and	(3) Member States shall take the necessary measures to fulfil the intermediary targets as indicated in Annex Annexes Ia and Ib for each Member State. For 2022, intermediary targets shall only be set for August, September and	(3) Member States shall take the necessary measures to fulfil or to ensure the fulfilling of the intermediary targets are fulfilled as set out indicated in Annex Ia and paragraph 4 for each Member State. For 2022, intermediary	

	October. As of 2023 Member States shall ensure that intermediary targets for February, May, July and September are fulfilled.	October. As of 2023 Member States shall ensure that intermediary targets for February, May, July and September are fulfilled.	targets shall only be set for August, September and October. As of 2023 Member States shall ensure that intermediary targets for February, May, July and September are set and fulfilled.	
77.	(4) The Commission is empowered, after consultation of the Gas Coordination Group, to adopt a delegated act amending Annex Ib to specify the filling target and a filling trajectory from 2023 onwards, in accordance with Article 19. That delegated act shall be adopted no later than 31 December of the year preceding the year for which the new filling target is set. The filling target and filling trajectory set by the Commission shall be based on an assessment of the general security of supply situation and the development of gas demand and supply in the Union and individual Member States, and set in a manner that ensures security of supply while avoiding unnecessary burden for Member States, gas market participants, storage system operators or citizens.	(4) The Commission is empowered, after consultation of the Gas Coordination Group, to adopt a delegated act amending Annex Ib to specify the filling target and a filling trajectory from 2023 onwards, and the measures for the implementation of the filling target pursuant to Article 6b , in accordance with Article 19. That delegated act shall be adopted no later than 31 December 1 October of the year preceding the year for which the new filling target is set. The filling target and filling trajectory set by the Commission shall be based on an assessment of the general security of supply situation and the development of gas demand and supply in the Union and individual Member States, and set in a manner that ensures security of supply while avoiding unnecessary burden for Member States, gas market participants, storage system operators or citizens.	(4) The Commission is empowered, after consultation of the [By XX for 2022 and by 30 September from 2023], each Member State with storage facilities shall transmit to the Commission a draft filling trajectory, including technical information, for the storage facilities on its territory in an aggregated form. The filling trajectory and the respective intermediate targets shall be based on the filling rate during the five preceding years. For countries for which the filling target is reduced to 35% of their consumption pursuant to paragraph 2(a), the intermediate targets of the filling trajectory shall be reduced accordingly. Based on the technical information provided by each Member State and taking into account the assessment of the Gas Coordination Group GCG, to the Commission shall adopt a delegated act amending Annex Ib implementing acts to specify set the filling target and a individual filling trajectory from 2023	

			<p>onwards, of each Member State. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 18b paragraph 2 19. That delegated act shall be adopted no later than 31 December of the year preceding the year for which the new filling target is set. The filling target and filling trajectory set by the Commission shall They shall be based on an assessment of the general security of gas supply situation and the development of gas demand and supply in the Union and individual Member States, and set in a manner that ensures security of gas supply whilst avoiding unnecessary burdens for Member States, gas market participants, storage system operators or citizens and not unduly distorting competition between storage facilities located in adjacent Member States.</p>	
78.	<p>(5) Where a Member State cannot meet the filling target due to specific technical characteristics of one or more storage facilities within its territory, such as exceptionally low injection rates, the Member State shall be allowed to reach the filling target only on 1 December. The Member State shall inform the Commission before 1</p>	<p>(5) Where a Member State cannot meet the filling target due to specific technical characteristics of one or more storage facilities within its territory, such as exceptionally low injection rates, the Member State shall be allowed to reach the filling target only on 1 December or to use available storage capacity on the territory of Energy Community</p>	<p>(5) Where a Member State cannot meet theits filling target due to specific technical characteristics of one or more storage facilities within its territory, due to specific technical characteristics of one or more storage facilities within its territory, such as exceptionally low injection rates by 1 November, that the Member State shall be allowed to reach theits filling target only on no</p>	

	November, providing reasons for the delay.	Contracting Party. The Member State shall inform the Commission before 1 November, providing reasons for the delay.	later than by 1 December. The Member State shall inform the Commission before 1 November, providing reasons for the delay.	
79.	(6) The filling target shall not apply where and for as long as the Commission has declared a Union or regional emergency pursuant to Article 12.	(6) The filling target shall not apply where and for as long as the Commission has declared a Union or regional emergency pursuant to Article 12, at the request of at least one or two Member States having declared a national emergency pursuant to Article 11.	(6) The filling target shall not apply where, and for as long as, the Commission has declared a regional or Union or regional emergency pursuant to Article 12.	
80.	(7) Competent authorities shall continuously monitor the filling trajectory each year and report regularly to the Gas Coordination Group. If the filling level of a given Member State is more than 2 percentage points below the level of the filling trajectory pursuant to Annex Ib, the competent authorities shall, without delay, take effective measures to increase the filling level. Member States shall inform the Commission and the Gas Coordination Group of the measures taken.	(7) Competent authorities shall continuously monitor the filling trajectory each year and report regularly to the Gas Coordination Group. If the filling level of a given Member State is more than 3.52 percentage points below the level of the filling trajectory pursuant to Annex Ib, the competent authorities shall, without delay, take effective measures to increase the filling level. Member States shall inform the Commission and the Gas Coordination Group of the measures taken.	(7) Competent authorities shall continuously monitor the filling trajectory each year and report regularly to the Gas Coordination Group GCG . If the filling level of a given Member State is more than 2 [five] percentage points below the level of the filling trajectory pursuant to set out in Annex Ib pursuant to set out in Annex B paragraph 4 , the competent authorities shall, without delay, take effective measures to increase the filling level. Member States shall inform the Commission and the Gas Coordination Group GCG GCG of the measures taken.	
81.	(8) In case of substantial and sustained deviation from the filling trajectories, the following measures shall be taken:	(8) In the event of substantial and sustained deviation from the filling	(8) In case the event of substantial and sustained deviation by a Member State from the filling trajectories compromising the	

		trajectories, the following measures shall be taken:	<u>achievement of the filling target or from the filling target</u> , the following measures shall be taken:	
82.	(a) after consultation of the Gas Coordination Group and the Member State in question, the Commission shall issue a warning to the Member State and recommend measures to be immediately taken;	(a) after consultation of the Gas Coordination Group and the Member State in question, the Commission shall issue a warning to the Member State and recommend measures to be immediately taken;	(a) after consulting on of the Gas Coordination Group <u>GCG</u> and the Member States in question <u>concerned</u> , the Commission shall issue a warning <u>recommendation</u> to the Member State or Member States <u>concerned and recommend</u> <u>regarding</u> measures to be immediately taken <u>immediately</u> ;	
83.	(b) if the deviation from the trajectory is not significantly reduced within one month from the date of the warning, the Commission shall, after consultation of the Gas Coordination Group and the Member State in question, take a decision as a measure of last resort to oblige the Member State to take measures that effectively remove the gap to the trajectory, including where appropriate one or several of the measures listed under Article 6b(1), or any other measure to ensure the mandatory filling target pursuant to this Article is reached;	(b) if the deviation from the trajectory is not significantly reduced within one month from the date of the warning, the Commission shall, after consultation of the Gas Coordination Group and the Member State in question, take a decision as a measure of last resort to oblige the Member State to take measures that effectively remove the gap to the trajectory, including where appropriate one or several of the measures listed under Article 6b(1), or any other measure to ensure the mandatory filling target pursuant to this Article is reached;	(b) if where the deviation from the trajectory or the filling target is not significantly reduced within one month from the date of the warning recommendation , the Commission shall, after consultation of the Gas <u>Coordination Group GCG</u> and the Member States in question <u>concerned</u> , take a decision as a measure of last resort to oblige <u>require</u> the Member State <u>concerned</u> to take measures that effectively remove the gap to the trajectory or the filling target , including where appropriate one or several more <u>listed under provided for in</u> Article 6b(1), or any other measure to ensure the mandatory filling target pursuant to this Article is reached;	

84.	(c) when deciding upon the adequate measures pursuant to point (b), the Commission shall take into account the specific situation of the respective Member State, such as the size of the storage facilities in relation to the domestic gas consumption or the importance of the storage facilities for security of supply in the region. Any measures taken by the Commission to address deviations from the filling trajectory for the year 2022 shall take into account the short timeframe for the implementation of this Article at national level which may have contributed to the deviation from the filling trajectory for 2022;	(c) when deciding upon the adequate measures pursuant to point (b), the Commission shall take into account the specific situation of the respective Member State, such as the size of the storage facilities in relation to the domestic gas consumption or the importance of the storage facilities for security of supply in the region. Any measures taken by the Commission to address deviations from the filling trajectory for the year 2022 shall take into account the short timeframe for the implementation of this Article at national level which may have contributed to the deviation from the filling trajectory for 2022;	(c) when in deciding upon the adequate which measures to take pursuant to point (b), the Commission shall take into account the specific situation of the respective Member State or <u>Member States concerned</u> , such as the size of <u>underground</u> the storage facilities in relation to the domestic gas consumption, or the importance of the <u>underground</u> storage facilities for security of <u>gas</u> supply in the region <u>and any existing LNG storage facilities</u> . Any measures taken by the Commission to address deviations from the filling trajectory or the filling target for the year 2022 shall take into account the short timeframe for the implementation of this Article at national level which may have contributed to the deviation from the filling trajectory or the filling target for 2022;	
85.	(d) The Commission shall ensure that the measures do not go beyond what is necessary to maintain security of supply, without putting disproportionate burden on Member States, gas market participants, storage system operators or citizens.	(d) The Commission shall ensure that the measures do not go beyond what is necessary to maintain security of supply, without putting disproportionate burden on Member States, gas market participants, storage system operators or citizens.	(d) The Commission shall ensure that the measures do not go beyond what is necessary to maintain security of <u>gas</u> supply, without putting while not placing disproportionate burden on Member States, gas market participants, storage system operators or citizens <u>consumers</u> .	
86.	Article 6b	Article 6b	Article 6b	Article 6b
87.	Implementation of the filling target	Implementation of the filling target	Implementation of the filling target	Implementation of the filling target

88.	(1) Member States shall take all necessary measures, including financial incentives or compensation to market participants, to ensure that the mandatory filling targets pursuant to Article 6(a) are reached. These measures may, in particular, include:	(1) Member States shall take all necessary measures, including financial incentives or compensation to market participants, to ensure that the mandatory filling targets pursuant to Article 6(a) are reached. <i>When fulfilling their obligations under this Regulation, Member States shall prioritise, when possible, market-based measures.</i> These measures may, in particular, include:	(1) Member States shall take all necessary measures, including financial incentives or compensation to market participants, to ensure that meet the mandatory-filling targets set set pursuant to Article 6(a) are reached. <u>To the extent that the measures listed in this article fall under the duties and powers of the regulatory authority, in accordance with to Article 41 of Directive 2009/73/EC concerning common rules for the internal market in natural gas, the regulatory authorities shall be responsible for taking those measures. These</u> Those measures may, in particular, include:	
89.	(a) imposing an obligation on gas suppliers to store minimum volumes of gas in storage facilities;	(a) imposing an obligation on gas suppliers <i>or to an entity designated by the Member State</i> to store minimum volumes of gas in storage facilities;	(a) imposing an obligation on requiring gas suppliers to store minimum volumes of gas in storage facilities, <u>including underground storage facilities and/or LNG storage facilities, the volume of the respective obligation may be determined on the basis of the amount of the gas supplied by gas suppliers to protected customers;</u>	
90.	(b) imposing an obligation on storage owners to tender their capacities to market participants;	(b) imposing an obligation on storage owners to tender their capacities to market participants;	(b) imposing an obligation on requiring storage owners system operator to tender their capacities to market participants;	
91.	(c) imposing an obligation on a transmission system operator to purchase and manage strategic	(c) imposing an obligation on a transmission system operator <i>or an entity designated by the</i>	(c) imposing an obligation on requiring a transmission system operators or entities designed by	

	stocks of gas exclusively for carrying out their functions as transmission system operators and for the purpose of security of supply in case of emergency;	Member State to purchase and manage strategie balancing stocks of gas under the supervision of competent authorities ;	the Member State to purchase and manage strategie stocks balancing stock of gas exclusively for carrying out their functions as transmission system operators and where necessary impose an obligation on other designated entity for the purpose of security of gas supply in the case of an emergency;	
92.	(d) using coordinated instruments, such as platforms for the purchase of LNG, with other Member States to maximise the utilisation of LNG and to reduce infrastructure and regulatory barriers to the shared use of LNG to fill storage facilities;	(d) using coordinated instruments, such as platforms for the purchase of LNG, with other Member States to maximise the utilisation of LNG and to reduce infrastructure and regulatory barriers to the shared use of LNG to fill storage facilities;	(d) using coordinated instruments, such as platforms for the purchase of LNG, with other Member States to maximise the utilisation of LNG and to reduce infrastructure and regulatory barriers to the shared use of LNG to fill underground storage facilities;	
93.		(da) using voluntary mechanism for joint procurement of natural gas		
94.	(e) providing financial incentives for market participants or compensation for the potential shortfall of revenues or for costs incurred by obligations on market participants which cannot be covered by revenues;	(e) providing financial incentives including, but not limited to Contracts for Difference , for market participants or compensation for the potential shortfall of revenues or for costs incurred by obligations on market participants which cannot be covered by revenues;	(e) providing financial incentives for market participants including storage system operator or providing compensation to market participants for the potential shortfall of revenues, or for costs incurred by them as a result of by obligations on market participants including storage system operator which cannot be covered by revenues;	
95.	(f) adopting effective instruments to set obligation on storage capacity holders to use or release unused booked capacities.	(f) adopting effective instruments to set obligation on storage capacity holders to use or release unused booked capacities;	(f) adopting effective instruments to set obligation on requiring storage capacity holders to use or release unused booked capacities whereas the storage	

			<u>capacity holder not using the storage capacity shall be still obliged to pay the agreed price for the whole term of the storage contract;</u>	
96.		<i>(g) imposing an energy savings target equivalent to the amount of the missing amount of capacities required to achieve the filling target pursuant to Article 6(a) to energy distributors, including a distribution system operators, retail energy sales companies, who sell energy to final customers, or transmission system operators.</i>	<u>(g) adopting effective instruments for purchasing and managing of strategic storage not distorting the internal market by public or private entities;</u>	
97.			<u>(h) appointment of a dedicated party who will be assigned the task to reach the filling target in case this will otherwise not be achieved;</u>	
98.			<u>(i) discounts on the storage tariffs;</u>	
99.			<u>(i) collecting the revenues needed to recover the capital and operational expenditures related to regulated storage facilities as storage tariffs and transmission tariffs collected only from exit points to final customers located within the same Member States, revenues collected through tariffs cannot be larger than the allowed revenues;</u>	

100.	<p>(2) The measures adopted pursuant to this Article shall be limited to what is necessary to achieve the filling target, clearly defined, transparent, proportionate, non-discriminatory and verifiable. They shall not unduly distort competition or the effective functioning of the internal market in gas or endanger the security of gas supply of other Member States or of the Union.</p>	<p>(2) The measures adopted pursuant to this Article shall be limited to what is necessary to achieve the filling target, clearly defined, transparent, proportionate, non-discriminatory and verifiable and shall give priority to market-based instruments. Non-market-based measures shall be used only when market-based mechanisms alone are not sufficient to fulfil the storage obligations in this Regulation. They shall not unduly distort competition or the effective functioning of the internal market in gas or endanger the security of gas supply of other Member States or of the Union.</p>	<p>(2) The measures adopted by the Member States pursuant to this Article shall be limited to what is necessary to achievemeet the filling targets, and filling trajectories. They shall be clearly defined, transparent, proportionate, non-discriminatory and verifiable. They shall not unduly distort competition or the effective functioning of the internal market in gas or endanger the security of gas supply of other Member States or of the Union.</p>	
101.	<p>(3) Member States shall take all necessary measures to ensure the use of the existing infrastructure at national and regional level, for the benefit of security of supply in an efficient way. These measures shall under no circumstances block or restrict the use of storage or LNG facilities across borders, and shall not limit cross-border transmission capacities allocated in accordance with Commission Regulation (EU) 2017/459.</p>	<p>(3) Member States shall take all necessary measures to ensure the use of the existing infrastructure at national and regional level, for the benefit of security of supply in an efficient way. These measures shall under no circumstances block or restrict the use of storage or LNG facilities across borders, and shall not limit cross-border transmission capacities allocated in accordance with Commission Regulation (EU) 2017/459.</p>	<p>(3) Member States shall take all necessary measures to ensure the use of the existing infrastructure at national and regional level, for the benefit of security of gas supply in an efficient way. Thoese measures shall under no circumstances block or restrict the use across borders of storage facilities or LNG facilities across borders, and shall not limit cross-border transmission capacities allocated in accordance with Commission Regulation (EU) 2017/459.</p>	

102.	<i>Article 6c Burden-sharing</i>	<i>Article 6c Burden-sharing</i>	Article 6c Burden-sharing	Article 6c Burden-sharing
103.	<p>(1) Member States without storage facilities shall ensure that domestic market participants have arrangements with storage system operators from Member States with storage facilities in place which ensure the use of storage volumes in those Member States by 1 November corresponding to at least 15% of the annual gas consumption of the Member State without storage facilities. Where cross-border transmission capacity or other technical limitations do not allow to fully use 15% of non-domestic storage volumes, only the technically possible volumes shall be stored outside the Member State without storage.</p>	<p>(1) Member States without storage facilities shall ensure that domestic market participants have arrangements with storage system operators from Member States with storage facilities in place which ensure the use of storage volumes in those Member States by 1 November corresponding to at least 15% of the annual gas consumption of the Member State without storage facilities. Where cross-border transmission capacity or other technical limitations do not allow to fully use 15% of non-domestic storage volumes, only the technically possible volumes shall be stored outside the Member State without storage.</p>	<p>(1) Member States without underground storage facilities shall ensure that domestic market participants have in place arrangements with underground storage system operators from other market participants in Member States with storage facilities. Those arrangements shall provide for the use, by 1 November in place which ensure the use of storage volumes in those Member States by 1 November corresponding to at least 15% of the average annual gas consumption in the last five years of the Member State without underground storage facilities. Where cross-border transmission capacity or other technical limitations do not allow to fully use 15% of non-domestic storage volumes, only the technically possible volumes shall be stored outside the Member State without storage. In the event, that technical limitations do not allow the above obligation to be met and the Member State has an obligation to store alternative fuels in place to replace gas, the above obligation may be exceptionally met by an equivalent obligation to store alternative fuels. The technical limitations and the equivalence of</p>	

			<u>the measure shall be demonstrated by the relevant Member State.</u>	
104.	(2) By way of derogation from paragraph 1, Member States without storage facilities may instead jointly develop a burden-sharing mechanism with one or more Member States with storage facilities. The burden-sharing mechanism shall be based on the relevant data of the latest risk assessment pursuant to Article 7 and take into account the following parameters:	(2) By way of derogation from paragraph 1, Member States without storage facilities may instead jointly develop a burden-sharing mechanism with one or more Member States with storage facilities. The burden-sharing mechanism shall be based on the relevant data of the latest risk assessment pursuant to Article 7 and take into account the following parameters:	(2) By way of derogation from paragraph 1 <u>of this Article, a</u> Member States without <u>underground</u> storage facilities may instead jointly develop a burden-sharing mechanism with one or more Member States with <u>underground</u> storage facilities. The burden-sharing mechanism shall be based on the relevant data of the latest risk assessment pursuant to Article 7 and <u>shall</u> take into account <u>all of</u> the following parameters:	
105.	(a) the cost for financial support to ensure filling targets, without consideration of costs for filling of strategic storage obligations;	(a) the cost for financial support to ensure filling targets, without consideration of costs for filling of strategic storage obligations;	(a) the cost for <u>of</u> financial support to ensure <u>for meeting the</u> filling targets, without consideration disregarding of the <u>costs for filling of of meeting any</u> strategic storage <u>reserves</u> obligations;	
106.	(b) the gas volumes needed to meet the demand of protected customers in accordance with Article 6(1);	(b) the gas volumes needed to meet the demand of protected customers in accordance with Article 6(1);	(b) the gas volumes needed to meet the demand of protected customers in accordance with Article 6(1);	
107.	(c) the technical limitations, such as the available storage capacity, technical cross-border capacity, withdrawal rates.	(c) the technical limitations, such as the available storage capacity, technical cross-border capacity, withdrawal rates.	(c) the technical limitations, such as the available <u>underground</u> storage capacity, technical cross-border capacity; <u>and</u> withdrawal rates.	

108.	(3) The jointly developed mechanism shall be notified to the Commission at the latest one month after the entry into force of this Article.	(3) The jointly developed mechanism shall be notified to the Commission at the latest one month after the entry into force of this Article.	(3) The jointly developed mechanism shall be notified to the Commission at the latest one two months after the entry into force of this Article. <u>In the absence of an agreement within [that time limit], Member States without underground storage facilities shall demonstrate that they comply with the storage obligation laid down in paragraph 1 and notify to the Commission accordingly.</u>	
109.			<u>(3a) As a transitory measure, in the case of Member States without underground storage but which have underground storage facilities included in the last PCI list and for which they can prove their timely implementation, their obligation laid down in paragraph 1 can partially be fulfilled taking into consideration LNG stocks in existing FSUs, until the underground storage facilities are in operation.</u>	
110.	(4) Member States without storage facilities may provide incentives or financial compensation to market participants for the shortfall of revenues or for costs incurred by obligations imposed on them which cannot be covered by revenue to ensure the implementation of the obligation to store gas in other Member	(4) Member States without storage facilities may provide incentives or financial compensation to market participants and transmission system operators as relevant for the shortfall of revenues or for costs incurred by obligations imposed on them which cannot be covered by revenue to ensure	(4) Member States without underground storage facilities may provide incentives or financial compensation to market participants for the shortfall of revenues or for costs incurred by them, as a result because of obligations imposed on them under this Regulation which cannot be covered by revenue, in order to ensure the implementation	

	States pursuant to paragraph 1 or the implementation of the jointly developed mechanism pursuant to paragraph 2. If the measure is financed through a levy, that levy shall not be allocated to cross-border interconnection points.	the implementation of the obligation to store gas in other Member States pursuant to paragraph 1 or the implementation of the jointly developed mechanism pursuant to paragraph 2. If the measure is financed through a levy, that levy shall not be allocated to cross-border interconnection points.	of the obligation to store gas in other Member States pursuant to paragraph 1 or the implementation of the jointly developed mechanism pursuant referred to in paragraph 2. If the measure is financed through a levy, that levy shall not be allocated to cross-border interconnection points.	
111.		<i>(5) For the purpose of implementing this Article, Member States without storage facilities may use storage facilities located in the territory of Energy Community Contracting Parties provided that the Commission considers that the storage system operators fulfil the certification criteria pursuant to Article 3a of Regulation (EC) No 715/2009.</i>		
112.			<u>(5a) Notwithstanding paragraph 1, in case of storage facilities whose capacity is bigger than the annual gas consumption of the Member State where they are located, Member States without storage having access to those facilities have an obligation to ensure that storage volumes by 1 November correspond at least to their average usage of the storage capacity of the last 5</u>	

			<u>years determined, inter alia taking into account the flows during withdrawal season in the last 5 years from Member States where the storage is located in the last 5 years or to demonstrate that storage capacity equivalent to the volume covered by this obligation has been booked. The obligation shall be limited at 15% of the average annual gas consumption of the last 5 years in the respective Member State.</u>	
113.			<u>(5b) Unless otherwise specified in Annex Ia, in case of storage facilities located in one Member State, not covered by paragraph 5a and directly connected to the market area of another-Member States, the latter shall have an obligation to ensure that storage volumes by 1 November correspond at least to their [average of the storage capacity booked-at the respective cross-border point-in the last 5 years].</u>	
114.	Article 6d	<i>Article 6d</i>	<i>Article 6d</i>	Article 6d
115.	Monitoring and enforcement	Monitoring and enforcement	Monitoring and enforcement	Monitoring and enforcement
116.	(1) Storage system operators shall report the filling level at each of the control points established in accordance with Annex Ia and Ib to the competent authorities in the Member States where they are located.	(1) Storage system operators shall report the filling level at each of the control points established in accordance with Annexes Ia and Ib to the competent authorities in the Member States where they are located.	(1) Storage system operators shall report the filling level at each of the control points established in accordance with set out in Annex Ia and Ib Article 6a(4) to the competent authorities in the Member States and, if applicable, an entity designated by the	

			<u>Member State</u> where they are located.	
117.	(2) The competent authorities of the Member States shall monitor the filling levels of the storage facilities in their territories at the end of each month and report the results to the Commission without undue delay.	(2) The competent authorities of the Member States shall monitor the filling levels of the storage facilities in their territories at the end of each month and report the results to the Commission without undue delay. <i>The Commission shall also, where appropriate, invite ACER to assist with monitoring. The monitoring should cover not only the effectiveness of the various storage filling regimes but also the cost-efficiency of the measures. Therefore, the monitoring data needs to include both gas volumes stored, the filling levels and prices paid for those volumes. Relevant monitoring data should be made available to the Commission, the Competent Authorities of Member States and ACER, who shall preserve the confidentiality of commercially sensitive information.</i>	(2) The competent authorities of the Member States <u>and, if applicable, the designated entity</u> shall monitor the filling levels of the <u>underground</u> storage facilities in their territories at the end of each month and report the results to the Commission without undue delay.	
118.	(3) Based on the information provided by the competent authorities of the Member States, the Commission shall regularly report to the Gas Coordination Group.	(3) Based on the information provided by the competent authorities of the Member States, the Commission shall regularly report to the Gas Coordination Group.	(3) Based on the information provided by the competent authorities <u>and, if applicable, the designated entity</u> of the Member States, the Commission shall	

			regularly report <u>regularly</u> to the Gas Coordination Group GCG .	
119.	(4) The Gas Coordination Group shall support the Commission in the monitoring of the filling targets and trajectories, and develop guidance to the Commission on adequate measures to ensure compliance in the case where Member States do not meet the targets of the filling trajectory or do not comply with the filling targets.	(4) The Gas Coordination Group shall support the Commission in the monitoring of the filling targets and trajectories, and develop guidance to the Commission on adequate measures to ensure compliance in the case where Member States do not meet the targets of the filling trajectory or do not comply with the filling targets.	(4) The Gas Coordination Group GCG shall support <u>assist</u> the Commission in the monitoring of the filling targets and trajectories, and <u>shall</u> develop guidance to the Commission on adequate measures to ensure compliance in the case <u>where in the event that</u> Member States do not meet the targets of the filling trajectory or do not comply with the filling targets.	
120.	(5) Member States shall take the necessary measures to reach the filling trajectory and the filling target and to enforce the storage obligations which are required to reach that trajectory and that target on market participants, including by imposing sufficiently deterrent sanctions and fines on them.	(5) Member States shall take the necessary measures to reach the filling trajectory and the filling target and to enforce the storage obligations which are required to reach that trajectory and that target on market participants, including by imposing sufficiently deterrent sanctions and fines on them.	(5) Member States shall take the necessary measures to reach <u>meet</u> the filling trajectory and the filling target and to enforce the storage obligations which are required to reach <u>meet</u> that trajectory and that target on market participants, including by imposing sufficiently deterrent sanctions and fines on them <u>those market participants</u> .	
121.	(6) Member States shall inform the Commission without delay of the enforcement measures taken pursuant to this Regulation.	(6) Member States shall inform the Commission without delay of the enforcement measures taken pursuant to this Regulation.	(6) Member States shall inform the Commission without delay of the enforcement measures taken pursuant to this Regulation.	
122.	(7) Where commercially sensitive information is to be exchanged, the Commission may convene meetings of the Gas	(7) Where commercially sensitive information is to be exchanged, the Commission may convene meetings of the Gas Coordination	(7) Where commercially sensitive information is to be exchanged, the Commission may convene meetings of the Gas	

	Coordination Group in a format restricted to Member States.	Group in a format restricted to Member States.	Coordination Group GCG in a format that are restricted to Member States and the Commission.	
123.	(8) The information exchanged shall be limited to what is required to monitor compliance with the requirements of this Regulation. The Commission, the regulatory authorities and the Member States shall preserve the confidentiality of commercially sensitive information received in the context of this Regulation.'	(8) The information exchanged shall be limited to what is required to monitor compliance with the requirements of this Regulation. The Commission, the regulatory authorities and the Member States shall preserve the confidentiality of commercially sensitive information received in the context of this Regulation.'	(8) The information exchanged shall be limited to that necessary what is required to monitor compliance with the requirements of this Regulation. The Commission, the-regulatory authorities and the Member States shall preserve the confidentiality of commercially sensitive information received in the context of carrying out their obligation under this Regulation.	
124.		<i>Article 6da</i>		
125.		<i>Application of Articles 6a to 6d</i>		
126.		<i>Articles 6a to 6d shall apply until 1 July 2024.</i>		
127.		<i>On the basis of the regular monitoring of the security of supply and of progress with regard to the implementation of EE and RES policies, the Commission shall assess whether it is appropriate to shorten or prolong the period of application referred to in the first paragraph and may, if appropriate, submit a legislative proposal to do so by 1 April 2024.</i>		
128.	Article 6e	<i>Article 6e</i>	<i>Article 6e</i>	Article 6e
129.	Scope of application	Scope of application	Scope of application	Scope of application

130.	The provisions of Articles 6a to 6d shall not apply to parts of LNG facilities used for storage.	The provisions of Articles 6a to 6d shall not apply to parts of LNG facilities used for storage.	The provisions of Articles 6a to 6d shall not apply to parts of LNG facilities used for storage.	
131.		Member States may apply Articles 6a to 6d to parts of LNG facilities that are used for seasonal storage or as a mean to fulfill existing obligations.		
132.	(3) The Annexes are amended in accordance with the text set out in Annex I to this Regulation:	(3) The Annexes are amended in accordance with the text set out in Annex I to this Regulation:	(3) The Annexes are amended in accordance with the text set out in Annex I to this Regulation:	(3) The Annexes are amended in accordance with the text set out in Annex I to this Regulation:
133.			(4) In Article 20, the following paragraph is added:	
134.			(4a) Articles 6a to 6d shall not apply to Cyprus, Malta and Ireland for as long as they are not directly interconnected to the gas interconnected system of any other Member States.	
135.		Article 6f Energy Community		
136.		1. The Union shall encourage the relevant bodies of the Energy Community Treaty to implement this Regulation, in conformity with the Energy Community Treaty within six months from its entry into force in the Union. ‘		
137.		(2a) in Article 7(4), point (c)(ii) is replaced by the following:		

138.		<i>'(ii) disruption of supplies from third-country suppliers, as well as, where appropriate, geopolitical risks identified for the S-1 scenarios;'</i>		
139.		<i>(2b) the following Article is inserted:</i>		
140.		<i>'Article 7a</i>		
141.		<i>Voluntary mechanism for joint procurement for gas</i>		
142.		<i>1. Two or more Member States may set up a voluntary mechanism for joint procurement of gas as part of the preventive measures to ensure security of supply.</i>		
143.		<i>Such mechanism shall be designed in accordance with Union law, in particular Union and national competition rules and in a way so that gas can also be used as part of the actions coordinated by the Commission in the event of a regional or Union emergency, as referred to in Article 12(3).</i>		
144.		<i>The mechanism shall be open to participation of all transmission system operators, gas suppliers and other relevant market participants within the Union who wish to join after their establishment.</i>		

145.		<p><i>2. The participating Member States shall notify their intention to establish such a mechanism to the Commission. The notification shall include the information necessary to assess the compliance with this Regulation, such as the volume of gas to be purchased, the duration of the measure, the participating transmission system operators, gas suppliers and relevant market participants, the governance arrangements, the operating procedures and conditions for activation in an emergency situation. It shall also specify the costs and benefits expected.</i></p>		
146.		<p><i>3. Within three months of the notification referred to in paragraph 2, the Commission may issue an opinion as to the compliance of the envisaged mechanism with this Regulation. The Commission shall inform the Gas Coordination Group of the notification received and if appropriate ACER. The participating Member States shall take the Commission opinion in the utmost account. ‘</i></p>		
147.		<p><i>(2c) in Article 8(4), the first subparagraph is replaced by the following:</i> <i>‘4. The competent authorities shall report regularly</i></p>		

		to the GCG and the crisis management group on the progress achieved on the preparation and adoption of the preventive action plans and the emergency plans, in particular the regional chapters. In particular, competent authorities shall agree on a cooperation mechanism for the preparation of the preventive action plan and the emergency plan, including the exchange of draft plans. They shall report to the GCG and the crisis management group on such agreed cooperation mechanism 16 months before the deadline for agreement of those plans and the updates of those plans.'		
148.		<i>(2d) in Article 11, paragraph 2 is replaced by the following:</i>		
149.		'2. When the competent authority declares one of the crisis levels referred to in paragraph 1, it shall immediately inform the Commission, the crisis management group , as well as the competent authorities of the Member States with which the Member State of that competent authority is directly connected and provide them with all the necessary information, in particular with information on		

		the action it intends to take. In the event of an emergency which may result in a call for assistance from the Union and its Member States, the competent authority of the Member State concerned shall without delay notify the Commission's Emergency Response Coordination Centre (ERCC) and the crisis management group. '		
150.		(2e) Article 12 is amended as follows:		
151.		(a) paragraph 2 is replaced by the following:		
152.		'2. The Commission shall convene the GCG and the crisis management group as soon as it declares a regional or Union emergency.'		
153.		(b) in paragraph 3, the introductory subparagraph is replaced by the following:		
154.		3. In a regional or Union emergency, the Commission shall coordinate together with the crisis management group the action of the competent authorities. In particular, the Commission shall:'		
155.		(c) paragraph 4 is replaced by the following:		
156.		'4. 4. The Commission may convene a The crisis management group established		

		<p>pursuant to Article 4(1a) shall be composed of the crisis managers referred to Article 10(1), point (g), of the Agency and of ENTSG of the Member States concerned by the emergency. The Commission, in agreement with the crisis managers, may invite other relevant stakeholders to participate in the crisis management group. The members of the crisis management group shall be available and the crisis management group shall be able to be convened at any moment. The crisis management group shall be able to act in the event of a crisis provided that half of the relevant crisis managers are present. It shall be provided with the necessary tools in order to exercise a crisis coordination role. The Commission shall ensure that the GCG is informed regularly about the work undertaken by the crisis management group.</p>		
157.		<p>4a. The crisis management group shall carry out the following tasks:</p>		
158.		<p>(a) maintain channels of communications open with all relevant actors of the security of supply in natural gas including Member States' competent</p>		

		<i>authorities, representatives of the storage industry, representatives of the LNG operators, representatives of the shippers and traders, representatives of the Energy Community, TSOs, the risk groups listed in Annex I, Regional Coordination (ReCo) teams;</i>		
159.		<i>(b) collate Member States' definitions of protected customers established pursuant to Article 6, common risk assessment carried out pursuant to Article 7, national emergency and preventative actions plans drafted pursuant to Article 8, lists of critical gas-fired power plants established pursuant to Article 11, and solidarity agreements concluded pursuant to Article 13, as well as any other relevant documents drafted pursuant to this Regulation.</i>		
160.		<i>(c) cooperate with the Commission and, where relevant, the Member States or their relevant authorities in order to address and mitigate any crisis.'</i>		
161.		<i>(2f) Article 14 is amended as follows:</i>		
162.		<i>(a) in paragraph 2, the introductory part is replaced by the following:</i>		

163.		'2. In the event of a regional or Union emergency, the Commission may request that the competent authority referred to in paragraph 1 provide it and the crisis management group without delay with at least:'		
164.		(b) in paragraph 3, the second subparagraph is replaced by the following:		
165.		The Commission shall analyse the assessments of the competent authorities and shall inform the crisis management group , Member States, the European Parliament and the GCG of the results of its analysis in an aggregated form.'		
166.		(c) in paragraph 6, the second subparagraph is replaced by the following:		
167.		'The competent authority shall notify the data listed in point (a) of the first subparagraph to the Commission and to the crisis management group in an anonymised form. In the event of new contracts being concluded or changes being made to existing contracts, the whole set of data shall be notified by the end of September of the relevant year. Where the competent authority has doubts whether a given contract obtained under point (b)		

		of the first subparagraph puts the security of gas supply of a Member State or a region at risk, it shall notify the contract to the Commission.'		
168.		(2g) in Annex 1, the following point is added		
169.		'5. S-1 supply risk group - all Member States.'		
170.		(3) The Annexes are amended in accordance with the text set out in Annex I to this Regulation.		
171.			Article 18b	
172.			Committee procedure	
173.			<u>1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council¹³.</u>	
174.			<u>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</u>	
175.	Article 2	<i>Article 2</i>	<i>Article 2</i>	Article 2
176.	<i>Amendments to Regulation (EC) No 715/2009</i>	<i>Amendments to Regulation (EC) No 715/2009</i>	<i>Amendments to Regulation (EC) No 715/2009</i>	<i>Amendments to Regulation (EC) No 715/2009</i>
177.		<i>Regulation (EC) No 715/2009 of the European Parliament and of</i>	<u>Regulation (EC) No 715/2009 of the European Parliament and of</u>	<i>Regulation (EC) No 715/2009 of the European Parliament and of the Council¹⁶ is amended as follows:</i>

¹³ **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).**

¹⁶ **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).**

		<i>the Council¹⁴ is amended as follows:</i>	<i>the Council¹⁵ is amended as follows:</i>	
178.		(1) The following article 3a is inserted:	(1) The following Article 3a is inserted:	(1) The following Article 3a is inserted:
179.	'Article 3a	'Article 3a	'Article 3a	'Article 3a
180.	Certification of storage system operators	Certification of storage system operators	Certification of storage system operators	Certification of storage system operators
181.	(1) Member States shall ensure that each storage system operator, including storage system operators controlled by transmission system operators, is certified by the regulatory authority under this Article, or another competent authority designated by the Member State concerned, in accordance with the procedure laid down in this Article. The obligation to certify storage operators under this Article also applies to storage system operators controlled by transmission system operators which have already been certified under unbundling rules pursuant to Articles 9 to 11 of Directive 2009/73/EC.	1. Member States shall ensure that each storage system operator, including storage system operators controlled by transmission system operators, is certified by the regulatory authority under this Article, or another competent authority designated by the Member State concerned, in accordance with the procedure laid down in this Article. The obligation to certify storage operators under this Article also applies to storage system operators controlled by transmission system operators which have already been certified under unbundling rules	(1) Member States shall ensure that each storage system operator, including <u>any</u> storage system operators controlled by <u>a</u> transmission system operators, is certified by the regulatory authority under this Article, or another competent authority designated by the Member State concerned, <u>pursuant to Article 3(2) of Regulation (EU) 2017/1938 of the European Parliament and of the Council¹⁷</u> , in accordance with the procedure laid down in this Article. The obligation to certify storage <u>system</u> operators under this Article also applies to storage system operators controlled by transmission system operators which have already been certified	

¹⁴ - [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 \(OJ L 211 14.8.2009, p. 36\).](#)

¹⁵ - [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 \(OJ L 211 14.8.2009, p. 36\).](#)

¹⁷ [Regulation \(EU\) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation \(EU\) No 994/2010 \(OJ L 280, 28.10.2017, p. 1\).](#)

		pursuant to Articles 9, 10 and to 11 of Directive 2009/73/EC.	under unbundling rules pursuant to Articles 9 to 11 of Directive 2009/73/EC.	
182.	<p>(2) For storage system operators operating storage facilities with capacities above 3.5 TWh and which were filled on 31 March 2021 and on 31 March 2022 at a level which on average was less than 30% of their maximum capacity, the regulatory authority or the designated authority pursuant to paragraph 1 shall adopt a draft decision on the certification of storage system operators within 100 working days from the date of entry into force of this Regulation or the receipt of a notification pursuant to paragraph 8. For all other storage system operators, a draft decision shall be adopted within 18 months from the date of entry into force of this Regulation or the receipt of a notification pursuant to paragraphs 7 or 8. In considering the risk to the security of energy supplies, the regulatory authority or the designated authority pursuant to paragraph 1 shall take into account any security of supply risk at national, regional or Union-wide level resulting, for example, from:</p>	<p>2. For storage system operators operating storage facilities with capacities above 3.5 TWh and which where total storage facilities, regardless of number of operators, were filled on 31 March 2021 and or on 31 March 2022 at a level which on average was less than 4030 % of their maximum capacity, the regulatory authority or the designated authority pursuant to paragraph 1 shall adopt a draft decision on the certification of storage system operators as soon as possible and within 100 50 working days at the latest from the date of entry into force of this Regulation or the receipt of a notification pursuant to paragraph 8. For all other storage system operators, a draft decision shall be adopted within 18 months from the date of entry into force of this Regulation or the receipt of a notification pursuant to paragraphs 7 or 8. In considering the risk to the security of energy supplies, the regulatory authority or the designated authority pursuant to paragraph 1 shall take into</p>	<p>(2) For In respect of storage system operators operating underground storage facilities with capacities above 3.5 TWh and which where total storage facilities, regardless of number of operators were filled on 31 March 2021 and on 31 March 2022 at a level which on average was less than 30% of their maximum capacity, the regulatory authority or the designated authority pursuant to paragraph 1 shall adopt a draft decision on the certification of storage system operators within 100 150 working days from the date of entry into force of this Regulation or the receipt of a notification pursuant to paragraph 8. For all other storage system operators, a draft decision shall be adopted within 18 months from the date of entry into force of this Regulation or the receipt of a notification pursuant to paragraphs 7 or 8. In considering the risk to the security of energy supplies, the regulatory authority or the designated authority pursuant to paragraph 1 shall take into account any security of <u>gas</u> supply risk at national, regional or Union-wide level as well as any mitigation of such risk, resulting, for</p>	

		account any security of supply risk at national, regional or Union- wide level resulting, for example, from:	example inter alia , from:	
183.	(a) ownership, supply or other commercial relationships that could negatively affect the incentives and ability of the storage operator to fill the storage facility;	(a) indirect or direct ownership or corporate structure , supply or any other commercial relationships that could negatively affect the incentives and ability of the storage operator to fill the storage facility;	(a) ownership, supply or other commercial relationships that could negatively affect the incentives and ability of the storage system operator to fill the storage facility;	
184.	(b) the rights and obligations of the Union with respect to a third country or third countries 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;	(b) the rights and obligations of the Union with respect to a third country or third countries 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;	(b) the rights and obligations of the Union with respect to a third country or third countries 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;	
185.	(c) the rights and obligations of the Member State or Member States concerned with respect to a third country or third countries arising under agreements concluded with them, insofar as they are in compliance with Union law; or	(c) the rights and obligations of the Member State or Member States concerned with respect to a third country or third countries arising under agreements concluded with them, insofar as they are in compliance with Union law; or	(c) the rights and obligations of the Member State or Member States concerned with respect to a third country or third countries arising under agreements concluded with them, insofar as they are in compliance with Union law; or	
186.	(d) any other specific facts and circumstances of the case.	(d) any other specific facts and circumstances of the case and where relevant the third country or third countries concerned .	(d) any other specific facts and circumstances of the case	

187.		<p><i>When deciding on the certification of storage system operator regulatory authority or the designated authority pursuant to paragraph 1 and the Commission shall also take into account the principle of energy solidarity and sincere cooperation.</i></p>		
188.	<p>(3) The regulatory authority or the designated authority pursuant to paragraph 1 shall refuse the certification if it is demonstrated that a person which directly or indirectly controls or exercises any right over the storage system operator within the meaning of Article 9 of Directive 2009/73/EC may put at risk the security of energy supply or the essential security interests of any Member State or the Union. The regulatory authority or the designated authority pursuant to paragraph 1 may instead choose to grant the certification with conditions, which ensure that all risks which may negatively influence the filling of the storages as provided for under this Regulation are sufficiently mitigated, and provided that their workability can be fully ensured by effective implementation and monitoring.</p>	<p>3. The regulatory authority or the designated authority pursuant to paragraph 1 shall refuse the certification if it is demonstrated that a person which directly or indirectly controls or exercises any right over the storage system operator within the meaning of Article 9 of Directive 2009/73/EC may put at risk the security of energy supply or the essential security interests of any Member State or the Union. <i>In exceptional cases and only when a person (including its controlling persons or entities) which directly or indirectly controls or exercises any right over the storage system operator that may put at risk the security of energy supply or the essential security interests of any Member State or the Union remains under EU/EEA jurisdiction, the</i> The regulatory authority or the designated</p>	<p>(3) The regulatory authority or the designated authority pursuant to paragraph 1 shall refuse the certification if it is demonstrated that a person which directly or indirectly control<u>ings</u> or exercis<u>inges</u> any right over the storage system operator within the meaning of Article 9 of Directive 2009/73/EC may put at risk the security of energy supply or the essential security interests of any Member State or the Union or of any Member State. The regulatory authority or the designated authority pursuant to paragraph 1 may instead choose to issue a grant <u>the</u> certification <u>subject to</u> with conditions, which ensure the <u>sufficient mitigation of the</u> that <u>all</u> risks which may negatively influence the filling of the storages as provided for under this Regulation are sufficiently mitigated, and provided that their workability can be fully ensured by effective implementation and monitoring. <u>Such conditions may</u></p>	

		authority pursuant to paragraph 1 may instead choose to grant the certification with conditions, which ensure that all risks which may negatively influence the filling of the storages as provided for under this Regulation are sufficiently mitigated, and provided that their workability can be fully ensured by effective implementation and monitoring.	<u>include in particular requiring the storage system owner or storage system operator to transfer management of the storage system.</u>	
189.	(4) Where the regulatory authority, or the designated authority pursuant to paragraph 1 comes to the conclusion that the security of supply risks cannot be removed by conditions pursuant to paragraph 3 and therefore refuses the certification, it shall:	4. Where the regulatory authority, or the designated authority pursuant to paragraph 1 comes to the conclusion that the security of supply risks cannot be removed by conditions pursuant to paragraph 3 and therefore refuses the certification, it shall:	(4) Where the regulatory authority, or the designated authority pursuant to paragraph 1 comes to the conclusion <u>concludes</u> that the security of <u>gas</u> supply risks cannot be removed by conditions pursuant to paragraph 3, <u>including by requiring the storage system owner or storage system operator to transfer management of the storage system,</u> and therefore refuses the certification, it shall:	
190.	(a) require any person or persons that it considers may put at risk the security of energy supply or the essential security interest of any Member State or the Union to dispose of the shareholding or rights they have over the storage system operator and to set a time limit for such disposal;	(a) require any person or persons that it considers may put at risk the security of energy supply or the essential security interest of any Member State or the Union to dispose of the shareholding or rights they have over the storage system operator and to set a time limit for such disposal. <i>In case of refusal of disposal, the regulatory authority or the designated authority pursuant to paragraph 1 may use</i>	(a) require <u>the storage system owner or storage system operator</u> <u>or</u> any person or persons that it considers may put at risk the security of energy supply or the essential security interests of any Member State or the Union to dispose of the shareholding or rights they have over the storage system operator and to set a time limit for such disposal;	

		appropriate measures provided by national law, including seizure of property and expropriation;		
191.	(b) order, where appropriate, interim measures, to ensure that such person or persons cannot exercise any control or right over that storage system operator until the disposal of the shareholding or rights; and	(b) order, where appropriate, interim measures, to ensure that such person or persons cannot exercise any control or right over that storage system operator until the disposal of the shareholding or rights; and	(b) order, where appropriate, interim measures, to ensure that such person or persons cannot exercise any control or right over that storage system operator until the disposal of the shareholding or rights; and	(b) order, where appropriate, interim measures, to ensure that such person or persons cannot exercise any control or right over that storage system operator until the disposal of the shareholding or rights; and
192.	(c) decide on the appropriate compensatory measures.	(c) decide on the appropriate compensatory measures.	(c) decide on the appropriate compensatory measures in accordance with national law.	
193.	(5) The regulatory authority or the designated authority pursuant to paragraph 1 shall notify the draft decision to the Commission without delay, together with all the relevant information with respect to that decision. The Commission shall deliver its opinion on the draft decision to the national regulatory authority or the designated authority pursuant to paragraph 1 within 50 working days. The regulatory authority or the designated authority pursuant to paragraph 1 shall take utmost account of the Commission's opinion.	5. The regulatory authority or the designated authority pursuant to paragraph 1 shall notify the draft decision to the Commission without delay, together with all the relevant information with respect to that decision. The Commission shall deliver its opinion on the draft decision to the national regulatory authority or the designated authority pursuant to paragraph 1 within 50 25 working days. The regulatory authority or the designated authority pursuant to paragraph 1 shall take utmost account of the Commission's opinion. For the operators subject to certification period of 50 working days, the national regulatory authority or the	(5)The regulatory authority or the designated authority pursuant to paragraph 1 shall notify the draft decision to the Commission without delay, together with all the relevant information with respect to that decision. The Commission shall deliver its an opinion on the draft decision to the national regulatory authority or the-designated authority pursuant to paragraph 1 within 50 working days. The regulatory authority or the designated authority pursuant to paragraph 1 shall take the utmost account of the Commission's opinion.	

		designated authority pursuant to paragraph 1 shall amend the decision in accordance with the Commission's opinion.		
194.	(6) The regulatory authority or the designated authority pursuant to paragraph 1 shall adopt its decision on the certification of storage system operators no later than 25 working days as of receipt of the Commission opinion.	6. The regulatory authority or the designated authority pursuant to paragraph 1 shall adopt its decision on the certification of storage system operators no later than 2510 working days as of receipt of the Commission opinion.	(6) The regulatory authority or the designated authority pursuant to paragraph 1 shall adopt its decision on the certification of storage system operators no later than 25 50 working days after its as of receipt of the Commission's opinion.	
195.	(7) Before a newly built storage facility is put into operation, the storage system operator shall be certified in accordance with paragraphs 1 to 6. The storage system operator shall notify the regulatory authority or the designated authority pursuant to paragraph 1 of its intention to put the storage facility into operation.	7. Before a newly built storage facility is put into operation, the storage system operator shall be certified in accordance with paragraphs 1 to 6. The storage system operator shall notify the regulatory authority or the designated authority pursuant to paragraph 1 of its intention to put the storage facility into operation.	(7) Before a newly built underground storage facility is put into operation, the storage system operator shall be certified in accordance with paragraphs 1 to 6. The storage system operator shall notify the regulatory authority or the designated authority pursuant to paragraph 1 of its intention to put the storage facility into operation.	
196.	(8) Storage system operators shall notify to the regulatory authority or the designated authority pursuant to paragraph 1 any planned transaction which would require a reassessment of their compliance with the certification requirements as set out in paragraphs 1 and 2.	8. Storage system operators shall notify to the regulatory authority or the designated authority pursuant to paragraph 1 any planned transaction which would require a reassessment of their compliance with the certification requirements as set out in paragraphs 1, and 2 and 3 .	(8) Storage system operators shall notify to the regulatory authority or the designated authority pursuant to paragraph 1 any planned transaction which would require a reassessment of their compliance with the certification requirements as set out in paragraphs 1, 2 and 23 .	
197.	(9) The regulatory authority or the designated authority pursuant to paragraph 1 shall monitor the	9. The regulatory authority or the designated authority pursuant to paragraph 1 shall	(9) The regulatory authority or the designated authority pursuant to paragraph 1 shall monitor the	

	continuing compliance of storage system operators with the requirements of paragraphs 1 and 2. It shall open a certification procedure to ensure such compliance:	monitor the continuing compliance of storage system operators with the requirements of paragraphs 1, and 2 and 3 . It shall open a certification procedure to ensure such compliance:	continuing compliance of storage system operators with the requirements of paragraphs 1, 2 and 23 . It shall open a certification procedure to ensure such compliance <u>in any of the following circumstances:</u>	
198.	(a) upon notification by the storage system operator pursuant to paragraphs 7 or 8;	(a) upon notification by the storage system operator pursuant to paragraphs 7 or 8;	(a) upon receipt of a notification by the storage system operator pursuant to paragraphs 7 or 8;	
199.	(b) on its own initiative where it has knowledge that a planned change in rights or influence over a storage system operator may lead to non-compliance with the requirements of paragraphs 1 and 2;	(b) on its own initiative where it has knowledge that a planned change in rights or influence over a storage system operator may lead to non-compliance with the requirements of paragraphs 1 and 2;	(b) on its own initiative where it has knowledge that a planned change in rights or influence over a storage system operator may lead to non-compliance with the requirements of paragraphs 1 and 2;	
200.	(c) upon a reasoned request from the Commission.	(c) upon a reasoned request from the Commission.	(c) upon a reasoned request from the Commission.	
201.	(10) Member States shall take all necessary measures to ensure the continued operation of the storage facilities on their territory. Those storage facilities may exit operations only following an assessment conducted by the regulatory authority or the designated authority pursuant to paragraph 1, taking into account an opinion of ENTSOG, which concludes that the exit does not weaken the security of gas supply at national or Union level. Appropriate compensatory measures shall be taken, where	10. Member States shall take all necessary measures to ensure the continued operation of the storage facilities on their territory. Those storage facilities may exit operations only <i>in case of losing the ability of safe functioning, which would pose a threat to human life or health or to the natural environment,</i> following an assessment conducted by the regulatory authority or the designated authority pursuant to paragraph 1. <i>In case of other reasons, also</i>	(10) Member States shall take all necessary measures to ensure the continued operation of the storage facilities on their <u>respective territories</u> . Those storage facilities may exit operations only <u>in case technical and safety requirements are not met or</u> following an assessment conducted by the regulatory authority or the designated <u>by the designated</u> authority pursuant to paragraph 1, taking into account an opinion of <u>ENTSO for Gas ENTSOG</u> , which concludes that the exit does not weaken the security of gas supply at	

	appropriate, if exit of operations is not allowed.	taking into account an opinion of ENTSOG, which concludes that the exit does not weaken the security of gas supply at Union or national or Union level. Appropriate compensatory measures shall be taken, where appropriate, if exit of operations is not allowed.	Union or national or Union level. Appropriate compensatory measures shall be taken, where appropriate, if exit of operations is not allowed.	
202.	(11) The Commission is empowered to adopt a delegated act setting out the details of the procedure to be followed for the application of this paragraph in accordance with Article 19.	(11) The Commission is empowered to adopt a delegated act setting out the details of the procedure to be followed for the application of this paragraph in accordance with Article 19.	(11) — The Commission is empowered to adopt a delegated act setting out the details of the procedure to be followed for the application of this paragraph in accordance with Article 19.	(11) The Commission is empowered to adopt a delegated act setting out the details of the procedure to be followed for the application of this paragraph in accordance with Article 19.
203.			(11a) The Commission may issue guidance on the application of this Article.	[very similar to EP 12a below]
204.	(12) The provisions of this Article shall not apply to parts of LNG facilities used for storage.	12. The provisions of this This Article shall not apply to parts of LNG facilities used for storage.	(12) The provisions of This Article shall not apply to parts of LNG facilities used for storage.	(12) The provisions of This Article shall not apply to parts of LNG facilities used for storage.
205.		12a. The Commission may adopt guidance setting out the details of the procedure to be followed for the application of this Article.		[very similar to Council 11a below]
206.	(2) In Article 13, the following paragraph 3 is added:	(2) In Article 13, the following paragraph 3 is added:	(2) In Article 13, the following paragraph 3 is added:	(2) In Article 13, the following paragraph 3 is added:
207.	'3. A discount of 100 % shall be applied to capacity-based transmission tariffs at entry points from and exit points to storage facilities, unless and to the extent a storage facility which is connected to more than one	'3. A discount of 100 % shall be applied to capacity-based transmission tariffs at entry points from and exit points to storage facilities, unless and to the extent a storage facility which	'3. A Member States The regulatory authorityies may apply a discount of up to 100 % shall be applied to capacity-based transmission and distribution tariffs at entry points from and exit points to underground storage and	

	transmission or distribution network is used to compete with an interconnection point. The Commission shall re-examine this tariff discount 5 years after entry into force of the Regulation. It shall assess whether the level of the reduction set out in this Article is still adequate in view of the storage obligation pursuant to Article 6a of Regulation (EU) 2017/1938.’	is connected to more than one transmission or distribution network is used to compete with an interconnection point. The Commission shall re-examine this tariff discount 5 years after entry into force of the Regulation. It shall assess whether the level of the reduction set out in this Article is still adequate in view of the storage obligation pursuant to Article 6a of Regulation (EU) 2017/1938.’	<u>LNG</u> facilities, unless and to the extent that a storage facility which is connected to more than one transmission or distribution network is used to compete with an interconnection point. The Commission shall re-examine this that tariff discount 5 years after entry into force of the Regulation (EU) xx/2022 (the new amending regulation) . It shall assess whether the level of the reduction set out in this Article remains is still adequate in light view of the storage obligation pursuant to Article 6a of Regulation (EU) 2017/1938 of the European Parliament and of the Council. ’	
208.		Article 2a		
209.		Commission reporting		
210.		1. By 31 December 2022, and once per year thereafter, the Commission shall submit a report, based on ACER’s monitoring results, to the European Parliament and to the Council on the application of this Regulation. The report shall contain, in particular, an overview of the measures taken by Member States to fulfil the storage obligations, the average length of time within which to finalise a decision on certification, and of measures taken to ensure compliance		

		<i>where Member States did not meet the targets of the filling trajectory or did not comply with the filling targets and the effects of this Regulation on prices.</i>		
211.		<i>2. By 1 January 2023, the Commission shall submit to the European Parliament and to the Council an impact assessment on alternative measures, in particular energy efficiency and savings and investments into renewable energy sources, to be taken to maintain similar security of gas supply level provided for in this Regulation.</i>		
212.	Article 3	Article 3	Article 3	Article 3
213.	Entry into force and application	<i>Entry into force and application</i>	<i>Entry into force and <u>repeal application</u></i>	
214.	This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the day following that of its publication in the <i>Official Journal of the European Union</i> .	This Regulation shall enter into force on the day following that of its publication in the <i>Official Journal of the European Union</i> .	<i>This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.</i>
215.	This Regulation shall apply until the date on which the Regulation (EU) of the European Parliament and of the Council on the internal markets for renewable and natural gases and for hydrogen, based on the Commission's proposal of 15 December 2021, enters into force.	This Regulation shall apply until the date on which the Regulation (EU) of the European Parliament and of the Council on the internal markets for renewable and natural gases and for hydrogen, based on the Commission's proposal of 15 December 2021, enters into force.	This Regulation It shall apply until <u>expire on the date on which the Regulation (EU) of the European Parliament and of the Council on the internal markets for renewable and natural gases and for hydrogen, based on the Commission's proposal of 15 December 2021, enters into force 31 December 2026.</u>	

216.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.
217.	<i>Done at Brussels,</i>	Done at Brussels,	Done at Brussels,	
218.	<i>For the European Parliament For the Council</i>	For the European Parliament For the Council	For the European Parliament For the Council	For the European Parliament For the Council
219.	<i>The President The President</i>	<i>The President The President</i>	<i>The President The President</i>	<i>The President The President</i>
220.			ANNEX I	
221.			<u>The annexes to Regulation (EU) 2017/1938 are amended as follows:</u>	
222.			<u>(1) The following Annex Ia is inserted:</u>	
223.			<u>Annex Ia: Shared responsibility for mandatory filling target and trajectory</u>	
224.			<u>With regard to the mandatory filling target and trajectory pursuant to Article 6a (1), the Republic of Austria and the Federal Republic of Germany share the responsibility concerning the storage facilities Haidach and 7Fields. The exact ratio and extent of this responsibility of both the Republic of Austria and the Federal Republic of Germany is subject to a bilateral agreement of these Member States.</u>	

