

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

2021/0424(COD)

[Version for Trilogue on 18 July, 2023]

17-07-2023 at 09h19

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2021/0424 (COD)	2021/0424 (COD)	2021/0424 (COD)	
Proposal Title				
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the internal markets for renewable and natural gases and for hydrogen (recast)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the internal markets for renewable <u>gas</u> and natural <u>gasesgas</u> and for hydrogen (recast)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the internal markets for renewable and natural gases and for hydrogen-(recast) (Text with EEA relevance)	
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
Citation 1				

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G	4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194 (2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194 (2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194 (2) thereof,	G
Citation 2					
G	5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	G
Citation 3					
G	6	After transmission of the draft legislative act to the national parliaments	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments	Technical adaptation from the EP G
Citation 4					
G	7	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ [...], [...], p. [...].</u>	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ [...], [...], p. [...].</u>	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ [...], [...], p. [...].</u>	G
Citation 5					
G	8	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ [...], [...], p. [...].</u>	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ [...], [...], p. [...].</u>	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ [...], [...], p. [...].</u>	G
Citation 6					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	
Formula				
10	Whereas:	Whereas:	Whereas:	
Recital 1				
11	<p>(1) Regulation (EU) No 715/2009 of the European Parliament and of the Council¹ has been substantially amended several times. Since further amendments are to be made, that Regulation should be recast in the interests of clarity.</p> <p>¹ Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005 (OJ L 211, 14.8.2009, p. 36).</p>	<p>(1) Regulation (EU) No 715/2009 of the European Parliament and of the Council¹ has been substantially amended several times. Since further amendments are to be made, that Regulation should be recast in the interests of clarity.</p> <p>¹ Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005 (OJ L 211, 14.8.2009, p. 36).</p>	<p>(1) Regulation (EU) No 715/2009 of the European Parliament and of the Council¹ has been substantially amended several times. Since further amendments are to be made, that Regulation should be recast in the interests of clarity.</p> <p>¹ Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005 (OJ L 211, 14.8.2009, p. 36).</p>	
Recital 2				

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12	(2) The internal market in natural gas, which has been progressively implemented since 1999, aims to deliver real choice for all consumers in the Union, be they citizens or businesses, new business opportunities and more cross-border trade, so as to achieve efficiency gains, competitive prices and higher standards of service, and to contribute to security of supply and sustainability.	(2) The internal market in natural gas, which has been progressively implemented since 1999, aims to deliver real choice for all consumers in the Union, be they citizens or businesses, new business opportunities and more cross-border trade, so as to achieve efficiency gains, competitive prices and higher standards of service, and to contribute to security of supply and sustainability.	(2) The internal market in natural gas, which has been progressively implemented since 1999, aims to deliver real choice for all consumers in the Union, be they citizens or businesses, new business opportunities and more cross-border trade, so as to achieve efficiency gains, competitive prices and higher standards of service, and to contribute to security of supply and sustainability.	
Recital 3				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
13	<p>(3) The European Green Deal and the Climate law set the target for the EU to become climate neutral by 2050 in a manner that contributes to European competitiveness, growth and jobs. For a decarbonised gas markets to be set up and contribute to the energy transition, significantly higher shares of renewable energy sources in an integrated energy system with an active participation of consumers in competitive markets are needed.</p>	<p>(3) <u>The Commission communication of 11 December 2019 entitled 'The European Green Deal' and Regulation (EU) 2021/1119 of the European Parliament and of the Council and the Climate law</u> set the target for the EU to <u>Union to reduce its emissions by at least 55% compared to 1990 levels by 2030 and</u> become climate neutral by 2050 in a manner that contributes to European <u>Union</u> competitiveness, growth and jobs. <u>This Regulation should contribute to achieving those targets.</u> For a decarbonised gas markets to be set up and contribute to the energy transition, significantly higher shares of renewable energy sources in an integrated energy system with an active participation of consumers in competitive markets are needed.</p> <p><u>1. Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).</u></p>	<p>(3) The European Green Deal and the Climate law set the target for the EU to become climate neutral by 2050 in a manner that contributes to European competitiveness, growth and jobs. For a decarbonised gas markets to be set up and contribute to the energy transition, significantly higher shares of renewable energy sources in an integrated energy system with an active participation of consumers in competitive markets are needed.</p>	

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13a			<p>(3a) This Regulation should be seen in conjunction with other policy and legislative instruments, notably those proposed under the European Green Deal. Many of these other proposed instruments, such as the extension of the Union's [Emission Trading System, the Effort Sharing Regulation, the Renewable Energy Directive, the Energy Efficiency Directive, the ReFuelEU initiatives and the proposed revision of the Energy Taxation Directive seek to incentivise the decarbonisation of the Union's economy and ensure its remains on a trajectory towards a climate neutral European Union by 2050, as mandated by the European Climate Law]. The main objective of this Regulation is however not to incentivise the transition but to enable and facilitate it by ensuring the continuing existence of efficient markets for gases.</p>	
Recital 3a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
13b		<p><u><i>(3a) Recognising the volatilities created by the Union's overdependence on natural gas imports, in particular with regard to a monopolist supplier, and its wider geopolitical, security and economic impact, an effective policy and regulatory framework for internal market penetration of renewable gas and low-carbon gas, and in particular hydrogen, must ensure that the risk of sustained or new volatilities and dependencies on external suppliers are effectively addressed. To that end, the modernisation of existing and commissioning of new import infrastructure linking Member States and the internal market with third countries and external suppliers must take due account of the need for security of supply in terms of diversification of routes and suppliers, including by avoiding overdependence of any Member State on a single export country.</i></u></p>		

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13c		<p><u><i>(3b) In light of the Russian Federation's unprovoked and unjustified military aggression against Ukraine and in order to prevent putting at risk the Union's energy security, the natural gas, renewable gas and low-carbon gas originating from the Russian Federation or other bodies controlled by Russian natural or legal persons or undertakings established in the Russian Federation, should be excluded from the Member States' and Union's imports.</i></u></p>		
Recital 4				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
14	<p>(4) This Regulation aims to facilitate the penetration of renewable and low-carbon gases into the energy system enabling a shift from fossil gas, and to allow these new gases to play an important role towards achieving the EU's 2030 climate objectives and climate neutrality in 2050. The Regulation aims also to set up a regulatory framework that enables and incentivises all market participants to take the transitional role of fossil gas into account while planning their activities to avoid lock-in effects and ensure gradual and timely phase-out of fossil gas notably in all relevant industrial sectors and for heating purposes.</p>	<p>(4) This Regulation aims to facilitate <u>decarbonised, efficient and integrated energy systems consistent with the Commission communications of 8 July 2020 entitled 'Powering a climate-neutral economy: An EU Strategy for Energy System Integration' and 'A hydrogen strategy for a climate-neutral Europe', and the Commission Recommendation (EU) 2021/1749¹. Those initiatives call for transitioning to a more circular energy system with energy efficiency at its core, a greater direct electrification of end-use sectors, prioritising demand-side solutions whenever they are more cost-effective than investments in energy infrastructure, and using renewable fuels, including hydrogen, for end-use applications where electrification is not feasible, not efficient or has higher costs. Therefore, this Regulation should facilitate</u> the penetration of renewable <u>gas</u> and low-carbon <u>gasesgas</u> into the energy system enabling a shift from fossil gas, and to allow these new gases <u>such new gas</u> to play an important role towards achieving the EU's 2030 climate objectives and climate neutrality in 2050. The <u>Member States should eliminate any undue barriers in that regard. This</u> Regulation aims also to set up a regulatory framework that enables</p>	<p>(4) This Regulation aims to facilitate the penetration of renewable and low-carbon gases into the energy system enabling a shift from fossil gas, and to allow these new gases to play an important role towards achieving the EU's 2030 climate objectives and climate neutrality in 2050. The This Regulation aims also to set up a regulatory framework that enables and incentivises all market participants to take the transitional role of fossil gas into account while planning their activities to avoid lock-in effects and ensure gradual and timely phase-out of fossil gas notably in all relevant industrial sectors and for heating purposes.</p>	

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14a			<p>(4a) In the trajectory for the European Union to achieve climate neutrality by 2050, energy saving and direct electrification are expected to present the most cost-effective and energy-efficient decarbonisation option in many cases. There will however remain a number of end-use applications where this might not be feasible or have higher costs. In such cases, it may be relevant to use renewable or low-carbon gases and fuels , including biomethane and renewable and low-carbon hydrogen. The incentives created by the European Green Deal Package are thus expected to result in a fundamental change in the structure of energy demand in general and that for gases in particular. For instance, where today natural gas is widely used for space heating purposes, this demand is expected to be met largely by other energy carriers, such as through electrified space heating appliances, in the future. The future use-cases for hydrogen are expected to primarily be in otherwise hard to decarbonise sectors. These include a number of industrial processes, but also transport modes such as long-haul heavy-duty road transport, aviation and maritime. As the precise decarbonisation trajectories, role of energy</p>	

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Recital 5				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
15	<p>(5) The EU hydrogen strategy recognises that, as EU Member States have different potential for the production of renewable hydrogen, an open and competitive EU market with unhindered cross-border trade has important benefits for competition, affordability, and security of supply. Moreover, it stresses that moving towards a liquid market with commodity-based hydrogen trading would facilitate entry of new producers and be beneficial for deeper integration with other energy carriers. It would create viable price signals for investments and operational decisions. The rules laid down in this Regulation should thus be conducive for hydrogen markets and commodity-based hydrogen trading and liquid trading hubs to emerge and any undue barriers in this regard should be eliminated by Member States. Whilst recognising the inherent differences, existing rules that enabled efficient commercial operations developed for the electricity and gas markets and trading should be considered for a hydrogen market.</p>	<p>(5) The EU hydrogen strategy recognises that, as EU Member States have different potential for the production of renewable hydrogen, an open and competitive EU market with unhindered cross-border trade has important benefits for competition, affordability, and security of supply. Moreover, it stresses that moving towards a liquid market with commodity-based hydrogen trading would facilitate entry of new producers and be beneficial for deeper integration with other energy carriers. It would create viable price signals for investments and operational decisions. The rules laid down in this Regulation should thus be conducive for hydrogen markets and commodity-based hydrogen trading and liquid trading hubs to emerge and any undue barriers in this regard should be eliminated by Member States. Whilst recognising the inherent differences, existing rules that enabled efficient commercial operations developed for the electricity and gas markets and trading should be considered for a hydrogen market.</p>	<p>(5) The EU hydrogen strategy recognises that, as EU Member States have different potential for the production of renewable hydrogen, an open and competitive EU market with unhindered cross-border trade has important benefits for competition, affordability, and security of supply. Moreover, it stresses that moving towards a liquid market with commodity-based hydrogen trading would facilitate entry of new producers and be beneficial for deeper integration with other energy carriers. It would create viable price signals for investments and operational decisions, including interconnections. The rules laid down in this Regulation should thus be conducive for hydrogen markets and commodity-based hydrogen trading and liquid trading hubs to emerge and. Any undue barriers, including disproportionate tariffs at interconnection points, in this regard should be eliminated by Member States. Whilst recognising the inherent differences, existing rules that enabled efficient commercial operations developed for the electricity and gas markets and trading should be considered for a hydrogen market. Whilst this Regulation sets out general principles according to which also a hydrogen market is to operate, it is appropriate to take account of</p>	

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Recital 6				
16	(6) [Recast Gas Directive as proposed in COM(2021) xxx] provides for the possibility of a combined transmission and distribution system operator. The rules set out in this Regulation do not therefore require modification of the organisation of national transmission and distribution systems that are consistent with the relevant provisions of that Directive.	(6) [Recast Gas Directive as proposed in COM(2021) xxx] provides for the possibility of a combined transmission and distribution system operator. The rules set out in this Regulation do not therefore require modification of the organisation of national transmission and distribution systems that are consistent with the relevant provisions of that Directive.	(6) [Recast Gas Directive as proposed in COM(2021) xxx] provides for the possibility of a combined transmission and distribution system operator. The rules set out in this Regulation do not therefore require modification of the organisation of national transmission and distribution systems that are consistent with the relevant provisions of that Directive.	
Recital 7				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
17	<p>(7) It is necessary to specify the criteria according to which tariffs for access to the network are determined, in order to ensure that they fully comply with the principle of non-discrimination and the needs of a well-functioning internal market and take fully into account the need for system integrity and reflect the actual costs incurred, insofar as such costs correspond to those of an efficient and structurally comparable network operator and are transparent, whilst including appropriate return on investments, and enabling the integration of renewable and low carbon gases. The rules on network access tariffs in this Regulation are complemented by further rules on network access tariffs, notably in the network codes and guidelines adopted on the basis of this Regulation, in [TEN-E Regulation as proposed in COM(2020) 824 final], [Methane Regulation as proposed in COM(2021) xxx], Directive (EU) 2018/2001 and [Energy Efficiency Directive as proposed in COM(2021) 558 final].</p>	<p>(7) It is necessary to specify the criteria according to which tariffs for access to the network are determined, in order to ensure that they fully comply with the principle of non-discrimination and the needs of a well-functioning internal market and take fully into account the need for system integrity and reflect the actual costs incurred, insofar as such costs correspond to those of an efficient and structurally comparable network operator and are transparent, whilst including appropriate return on investments, and enabling the integration of renewable gas and low-carbon gas<i>and low-carbon gases</i>. The rules on network access tariffs in this Regulation are complemented by further rules on network access tariffs, notably in the network codes and guidelines adopted on the basis of this Regulation, in [TEN-E Regulation as proposed in COM(2020) 824 final], [Methane Regulation as proposed in COM(2021) xxx], Directive (EU) 2018/2001 and [Energy Efficiency Directive as proposed in COM(2021) 558 final].</p>	<p>(7) It is necessary to specify the criteria according to which tariffs for access to the network are determined, in order to ensure that they fully comply with the principle of non-discrimination and the needs of a well-functioning internal market and take fully into account the need for system integrity and reflect the actual costs incurred, insofar as such costs correspond to those of an efficient and structurally comparable network operator and are transparent, whilst including appropriate return on investments, and enabling the integration of renewable and low carbon gases . The rules on network access tariffs in this Regulation are complemented by further rules on network access tariffs, notably in the network codes and guidelines adopted on the basis of this Regulation, in [TEN-E Regulation as proposed in COM(2020) 824 final], [Methane Regulation as proposed in COM(2021) xxx], Directive (EU) 2018/2001 and [Energy Efficiency Directive as proposed in COM(2021) 558 final].</p>	
Recital 8				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
18	<p>(8) It is, generally, most efficient to finance infrastructure by revenues obtained from the users of that infrastructure and to avoid cross-subsidies. Moreover, such cross-subsidies would, in the case of regulated assets, be incompatible with the general principle of cost-reflective tariffs. In exceptional cases, such cross-subsidies could nonetheless bring societal benefits, in particular during earlier phases of network development where booked capacity is low compared to technical capacity and uncertainty as to when future capacity demand will materialise is significant. Cross-subsidies could therefore contribute to reasonable and predictable tariffs for early network users and de-risk investments for network operators. Cross-subsidies could thus contribute to an investment climate supportive to the Union's, decarbonisation objectives. Cross-subsidies should not be financed by network users in other Member States, regardless as to whether directly or indirectly. It is thus appropriate to collect financing for cross-subsidies only from exit points to final customers within the same Member State. Moreover, as cross-subsidies are exceptional, it should be ensured that they are proportional, transparent, limited in time and set under regulatory supervision.</p>	<p>(8) It is, generally, most efficient to finance infrastructure by revenues obtained from the users of that infrastructure and to avoid cross-subsidies. Moreover, such cross-subsidies would, in the case of regulated assets, be incompatible with the general principle of cost-reflective tariffs. In exceptional cases, such cross-subsidies could nonetheless bring societal benefits, in particular during earlier phases of network development where booked capacity is low compared to technical capacity and uncertainty as to when future capacity demand will materialise is significant. Cross-subsidies could therefore contribute to reasonable and predictable tariffs for early network users and de-risk investments for network operators. Cross-subsidies, which could thus contribute to an investment climate supportive to the Union's, decarbonisation objectives of the Union. In order to avoid undue and excessive. cross-subsidies should not be financed by among first and future users of hydrogen networks, it should be possible for hydrogen network users in other development costs over time by allowing Member States to provide for the possibility that future users pay part of the initial costs, by way of an inter-temporal cost allocation mechanism. The methodology and</p>	<p>(8) It is, generally, most efficient to finance infrastructure by revenues obtained from the users of that infrastructure and to avoid cross-subsidies. Moreover, such cross-subsidies would, in the case of regulated assets, be incompatible with the general principle of cost-reflective tariffs. In exceptional cases, such cross-subsidies could nonetheless bring societal benefits, in particular during earlier phases of network development where booked capacity is low compared to technical capacity and uncertainty as to when future capacity demand will materialise is significant. Cross-subsidies could therefore contribute to reasonable and predictable tariffs for early network users and de-risk investments for network operators. Cross-subsidies could thus contribute to an investment climate supportive to the Union's, decarbonisation objectives. Cross-subsidies should not be financed by network users in other Member States, regardless as to whether neither directly or indirectly. It is thus appropriate to collect financing for cross-subsidies only from exit points to final customers within the same Member State. Moreover, as cross-subsidies are exceptional, it should be ensured that they are proportional, transparent, limited in time and set under regulatory supervision. It should be possible</p>	

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Recital 9				
g	19 (9) The use of market-based arrangements, such as auctions, to determine tariffs has to be compatible with the provisions in recast Gas Directive as proposed in COM(2021) xxx and Commission Regulation (EU) 2017/459.	(9) The use of market-based arrangements, such as auctions, to determine tariffs has to be compatible with the provisions in recast Gas Directive as proposed in COM(2021) xxx and Commission Regulation (EU) 2017/459.	(9) The use of market-based arrangements, such as auctions, to determine tariffs has to be compatible with the provisions in recast Gas Directive as proposed in COM(2021) xxx and Commission Regulation (EU) 2017/459.	
Recital 10				
g	20 (10) A common minimum set of third-party access services is necessary to provide a common minimum standard of access in practice throughout the Union, to ensure that third-party access services are sufficiently compatible and to allow the benefits accruing from a well-functioning internal market in natural gas to be exploited.	(10) A common minimum set of third-party access services is necessary to provide a common minimum standard of access in practice throughout the Union, to ensure that third-party access services are sufficiently compatible and to allow the benefits accruing from a well-functioning internal market in natural gas to be exploited.	(10) A common minimum set of third-party access services is necessary to provide a common minimum standard of access in practice throughout the Union, to ensure that third-party access services are sufficiently compatible and to allow the benefits accruing from a well-functioning internal market in natural gas to be exploited.	
Recital 11				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
21	<p>(11) Arrangements on third party access should be based on the principles laid down in this Regulation. The organisation of entry-exit systems, which enable a free allocation of gas on the basis of firm capacity, was welcomed by the XXIV. Madrid Forum already in October 2013. Therefore a definition of entry-exit system should be introduced and the integration of the distribution system level in the balancing zone be ensured, which would help to achieve a level playing field for renewable and low carbon gases connected to either the transmission or distribution level. Tariff setting for distribution system operators and the organisation of capacity allocation between the transmission and distribution system should be left to the regulatory authorities on the basis of the principles enshrined in [recast Gas Directive as proposed in COM(2021) xxx].</p>	<p>(11) Arrangements on third party access should be based on the principles laid down in this Regulation. The organisation of entry-exit systems, which enable a free allocation of gas on the basis of firm capacity, was welcomed by the XXIV. Madrid Forum already in October 2013. Therefore a definition of entry-exit system should be introduced and the integration of the distribution system level in the balancing zone be ensured, which would help to achieve a level playing field for renewable <u>gas and low-carbon gas</u> and low-carbon gases connected to either the transmission or distribution level. Tariff setting for distribution system operators and the organisation of capacity allocation between the transmission and distribution system should be left to the regulatory authorities on the basis of the principles enshrined in [recast Gas Directive as proposed in COM(2021) xxx].</p>	<p>(11) Arrangements on third party access should be based on the principles laid down in this Regulation. The organisation of entry-exit systems, which enable a free allocation of gas on the basis of firm capacity, was welcomed by the XXIV. Madrid Forum already in October 2013. Therefore a definition of entry-exit system should be introduced and the integration of the distribution system level in the balancing zone be ensured, which would help to achieve a level playing field for renewable and low carbon gases connected to either the transmission or distribution level. Tariff setting for distribution system operators and the organisation of capacity allocation between the transmission and distribution system should be left to the regulatory authorities on the basis of the principles enshrined in [recast Gas Directive as proposed in COM(2021) xxx].</p>	
Recital 12				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
22	(12) Access to the entry-exit system should be generally based on firm capacity. Network operators should be required to cooperate in a way that maximises the offer of firm capacity, which in turn enables network users to freely allocate the gas entering or exiting on the basis of firm capacity to any entry or exit point in the same entry-exit system.	(12) Access to the entry-exit system should be generally based on firm capacity. Network operators should be required to cooperate in a way that maximises the offer of firm capacity, which in turn enables network users to freely allocate the gas entering or exiting on the basis of firm capacity to any entry or exit point in the same entry-exit system.	(12) Access to the entry-exit system should be generally based on firm capacity. Network operators should be required to cooperate in a way that maximises the offer of firm capacity, which in turn enables network users to freely allocate the gas entering or exiting on the basis of firm capacity to any entry or exit point in the same entry-exit system.	
22a			(12a) Member States should be able to establish full or partial regional integration where two or more adjacent entry-exit systems are merged. It should be possible for partial regional integration to encompass various balancing zones as an important step towards integrating fragmented gas markets and improving the functioning of the internal gas market.	

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22b			<p>(12b) Where a regional markets integration is undertaken, the relevant transmission system operators and regulatory authorities should address issues having a cross-border impact such as tariff structures, balancing regime, capacities at remaining cross-border points, investment plans and the fulfilment of transmissions system operators' and regulatory authorities' tasks</p> <p>ex recital 34 moved here and not changed</p>	
Recital 13				
23	<p>(13) Conditional capacity should only be offered when network operators are not able to offer firm capacity. Network operators should define the conditions for conditional capacity on the basis of operational constraints in a transparent and clear manner. The regulatory authority should ensure that the number of conditional capacity products is limited to avoid a fragmentation of the market and to ensure compliance with the principle of providing efficient third-party access.</p>	<p>(13) Conditional capacity should only be offered when network operators are not able to offer firm capacity. Network operators should define the conditions for conditional capacity on the basis of operational constraints in a transparent and clear manner. The regulatory authority should ensure that the number <i>and type</i> of conditional capacity products is limited to avoid a fragmentation of the market and to ensure compliance with the principle of providing efficient third-party access.</p>	<p>(13) Conditional capacity should only be offered when network operators are not able to offer firm capacity. Network operators should define the conditions for conditional capacity on the basis of operational constraints in a transparent and clear manner. The regulatory authority should approve the conditions and ensure that the number of conditional capacity products is limited to avoid a fragmentation of the market and to ensure compliance with the principle of providing efficient third-party access.</p>	
Recital 14				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
24	(14) A sufficient level of cross-border gas interconnection capacity should be achieved and market integration fostered in order to complete the internal market in natural gas.	(14) A sufficient level of cross-border gas interconnection capacity should be achieved and market integration fostered in order to complete the internal market in natural gas.	(14) A sufficient level of cross-border gas interconnection capacity should be achieved and market integration fostered in order to complete the internal market in natural gas.	

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24a		<p><u><i>(14a) The Commission communication of 8 March 2022 entitled 'RePowerEU: Joint European Action for more affordable, secure and sustainable energy' (RePowerEU) calls for urgent action to mitigate the impact of rising energy prices, diversify the Union gas supply and accelerate the clean energy transition. In order to allow renewable gas, such as biomethane and biogas, to play their important role towards achieving those goals, it is of the utmost importance to achieve by 2030 the production of 35 billion cubic meters (bcm) of biomethane per year within the Union. Achieving that should enable the replacement of 20 % of Russian natural gas imports with a sustainable, cheaper and locally produced alternative, as well as provide the Union with a more resilient and sustainable energy system. The 2030 goal for biomethane is based on the initial projections for production potential for biogas and biomethane¹, and it takes into account major changes in the energy area such as the high current prices of natural gas and a broad set of additional measures presented in the Commission Staff Working Document of 15 May 2022 entitled 'Implementing the RepowerEU action plan: investment needs, hydrogen</i></u></p>		

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Recital 15				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
25	<p>(15) Increased cooperation and coordination among transmission and, where relevant, distribution system operators is required to create network codes for providing and managing effective and transparent access to the transmission networks across borders, and to ensure coordinated and sufficiently forward looking planning and sound technical evolution of the natural gas system in the Union, including the creation of interconnection capacities, with due regard to the environment. The network codes should be in line with framework guidelines which are non-binding in nature (framework guidelines) and which are developed by the European Union Agency for the Cooperation of Energy Regulators (ACER) established in accordance with Regulation (EU) 2019/942 of the European Parliament and of the Council¹. ACER should have a role in reviewing, based on matters of fact, draft network codes, including their compliance with the framework guidelines, and it should be enabled to recommend them for adoption by the Commission. ACER should assess proposed amendments to the network codes and it should be enabled to recommend them for adoption by the Commission. Transmission system operators should operate their networks in</p>	<p>(15) Increased cooperation and coordination among transmission and, where relevant, distribution system operators is required to create network codes for providing and managing effective and transparent access to the transmission networks across borders, and to ensure coordinated and sufficiently forward looking planning and sound technical evolution of the natural gas system in the Union, including the creation of interconnection capacities, with due regard to the environment. The network codes should be in line with framework guidelines which are non-binding in nature (framework guidelines) and which are developed by the European Union Agency for the Cooperation of Energy Regulators (ACER) established in accordance with Regulation (EU) 2019/942 of the European Parliament and of the Council¹. ACER should have a role in reviewing, based on matters of fact, draft network codes, including their compliance with the framework guidelines, and it should be enabled to recommend them for adoption by the Commission. ACER should assess proposed amendments to the network codes and it should be enabled to recommend them for adoption by the Commission. Transmission system operators should operate their networks in</p>	<p>(15) Increased cooperation and coordination among transmission and, where relevant, distribution system operators is required to create network codes for providing and managing effective and transparent access to the transmission networks across borders, and to ensure coordinated and sufficiently forward looking planning and sound technical evolution of the natural gas system in the Union, including the creation of interconnection capacities, with due regard to the environment. The network codes should be in line with framework guidelines which are non-binding in nature (framework guidelines) and which are developed by the European Union Agency for the Cooperation of Energy Regulators (ACER) established in accordance with Regulation (EU) 2019/942 of the European Parliament and of the Council¹. ACER should have a role in reviewing, based on matters of fact, draft network codes, including their compliance with the framework guidelines, and it should be enabled to recommend them for adoption by the Commission. ACER should assess proposed amendments to the network codes and it should be enabled to recommend them for adoption by the Commission. Transmission system operators should operate their networks in</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
26	<p>(16) In order to ensure optimal management of the gas transmission network in the Union, a European Network of Transmission System Operators for Gas (the ENTSO for Gas), should be provided for. The tasks of the ENTSO for Gas should be carried out in compliance with the Union's competition rules which are applicable to the decisions of the ENTSO for Gas. The tasks of the ENTSO for Gas should be well-defined and its working method should ensure efficiency, transparency and the representative nature of the ENTSO for Gas. The network codes prepared by the ENTSO for Gas are not intended to replace the necessary national network codes for non cross-border issues. Given that more effective progress may be achieved through an approach at regional level, transmission system operators should set up regional structures within the overall cooperation structure, whilst ensuring that results at regional level are compatible with network codes and non-binding ten-year network development plans at Union level. Cooperation within such regional structures presupposes effective unbundling of network activities from production and supply activities. In the absence of such unbundling, regional cooperation between transmission system operators gives rise to a risk</p>	<p>(16) In order to ensure optimal management of the gas transmission network in the Union, a <i>European Network of joint EU organisation of Gas</i> Transmission System Operators for Gas (the ENTSO for Gas and Hydrogen Network Operators (ENTSOG&H)), should be provided for. The tasks of the ENTSO for Gas <i>ENTSOG&H</i> should be carried out in compliance with the Union's competition rules which are applicable to the decisions of the ENTSO for Gas <i>ENTSOG&H</i>. The tasks of the ENTSO for Gas <i>ENTSOG&H</i> should be well-defined and its working method should ensure efficiency, transparency and the representative nature of the ENTSO for Gas <i>ENTSOG&H</i>. The network codes prepared by the ENTSO for Gas <i>ENTSOG&H</i> are not intended to replace the necessary national network codes for non cross-border issues. Given that more effective progress may be achieved through an approach at regional level, transmission system operators should set up regional structures within the overall cooperation structure, whilst ensuring that results at regional level are compatible with network codes and non-binding ten-year network development plans <i>for gas and hydrogen</i> at Union level. Cooperation within such regional structures presupposes effective</p>	<p>(16) In order to ensure optimal management of the gas transmission network in the Union, a European Network of Transmission System Operators for Gas (the ENTSO for Gas), should be provided for. The tasks of the ENTSO for Gas should be carried out in compliance with the Union's competition rules which are applicable to the decisions of the ENTSO for Gas. The tasks of the ENTSO for Gas should be well-defined and its working method should ensure efficiency, transparency and the representative nature of the ENTSO for Gas. The network codes prepared by the ENTSO for Gas are not intended to replace the necessary national network codes for non cross-border issues. Given that more effective progress may be achieved through an approach at regional level, transmission system operators should set up regional structures within the overall cooperation structure, whilst ensuring that results at regional level are compatible with network codes and non-binding ten-year network development plans at Union level. Cooperation within such regional structures presupposes effective unbundling of network activities from production and supply activities. In the absence of such unbundling, regional cooperation between transmission system operators gives rise to a risk</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
27	<p>(17) In order to ensure greater transparency regarding the development of the gas transmission network in the Union, the ENTSO for Gas should draw up, publish and regularly update a non-binding Union -wide ten-year network development plan on the basis of a joint scenario and the interlinked model (Union-wide network development plan). Viable gas transmission networks and necessary regional interconnections, relevant from a commercial or security of supply point of view, should be included in that network development plan.</p>	<p>(17) In order to ensure greater transparency regarding the development of the gas transmission network in the Union, the ENTSO for Gas <u>ENTSO for Gas</u> <u>ENTSOG&H</u> should draw up, publish and regularly update a non-binding Union -wide ten-year network development plan <u>for gas and hydrogen</u> on the basis of a joint scenario and the interlinked model (Union-wide network development plan). <u>The Union-wide network development plan should be developed following a transparent process involving meaningful public consultation, and it shall be based on objective and scientific criteria. To that effect, the ENTSOG&H should involve independent scientific bodies, such as the European Scientific Advisory Board on Climate Change, established under Regulation (EU) 2021/1119, in plan development.</u> Viable gas transmission networks and necessary regional interconnections, relevant from a commercial or security of supply point of view, should be included in that network development plan. <u>The network development plan should promote the energy efficiency first principle and energy system integration and contribute to the prudent and rational use of natural resources and the achievement of the Union's climate and energy targets.</u></p>	<p>(17) In order to ensure greater transparency regarding the development of the gas transmission network in the Union, the ENTSO for Gas should draw up, publish and regularly update a non-binding Union -wide ten-year network development plan on the basis of a joint scenario and the interlinked model (Union-wide network development plan). Viable gas transmission networks and necessary regional interconnections, relevant from a commercial or security of supply point of view, should be included in that network development plan.</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 18				
28	(18) To enhance competition through liquid wholesale markets for gas, it is vital that gas can be traded independently of its location in the system. The only way to do this is to give network users the freedom to book entry and exit capacity independently, thereby creating gas transport through zones instead of along contractual paths. To ensure the freedom of booking capacity independently at entry and exit points, tariffs set for one entry point should therefore not be related to the tariff set for one exit point, and vice versa offered for these points separately and the tariff should not bundle the entry and exit charge in a single price.	(18) To enhance competition through liquid wholesale markets for gas, it is vital that gas can be traded independently of its location in the system. The only way to do this is to give network users the freedom to book entry and exit capacity independently, thereby creating gas transport through zones instead of along contractual paths. To ensure the freedom of booking capacity independently at entry and exit points, tariffs set for one entry point should therefore not be related to the tariff set for one exit point, and vice versa offered for these points separately and the tariff should not bundle the entry and exit charge in a single price.	(18) To enhance competition through liquid wholesale markets for gas, it is vital that gas can be traded independently of its location in the system. The only way to do this is to give network users the freedom to book entry and exit capacity independently, thereby creating gas transport through zones instead of along contractual paths. To ensure the freedom of booking capacity independently at entry and exit points, tariffs set for one entry point should therefore not be related to the tariff set for one exit point, and vice versa should be offered for these points separately and the tariff should not bundle the entry and exit charge in a single price.	
Recital 19				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
29	(19) While Commission Regulation (EU) 312/2014 establishing a Network Code on Gas Balancing of Transmission Networks provides rules for setting up technical rules that build up a balancing regime, it leaves various design choices for each balancing regime that is applied in a specific entry-exit system. The combination of choices made lead to a specific balancing regime that is applicable in a specific entry-exit system, which are currently mostly reflecting Member States territories.	(19) While Commission Regulation (EU) 312/2014 establishing a Network Code on Gas Balancing of Transmission Networks provides rules for setting up technical rules that build up a balancing regime, it leaves various design choices for each balancing regime that is applied in a specific entry-exit system. The combination of choices made lead to a specific balancing regime that is applicable in a specific entry-exit system, which are currently mostly reflecting Member States territories.	(19) While Commission Regulation (EU) 312/2014 establishing a Network Code on Gas Balancing of Transmission Networks provides rules for setting up technical rules that build up a balancing regime, it leaves various design choices for each balancing regime that is applied in a specific entry-exit system. The combination of choices made lead to a specific balancing regime that is applicable in a specific entry-exit system, which are currently mostly reflecting Member States territories.	
Recital 20				
30	(20) Network users are to bear the responsibility of balancing their inputs against their off-takes with trading platforms established to better facilitate gas trade between network users. In order to better integrate renewable and low carbon gases within the entry-exit system, the balancing zone should also cover the distribution system level. The virtual trading point should be used to exchange gas between balancing accounts of network users.	(20) Network users are to bear the responsibility of balancing their inputs against their off-takes with trading platforms established to better facilitate gas trade between network users. In order to better integrate renewable and low carbon gases gas and low-carbon gas within the entry-exit system, the balancing zone should also cover, <u>to the extent possible</u> , the distribution system level. The virtual trading point should be used to exchange gas between balancing accounts of network users.	(20) Network users are to bear the responsibility of balancing their inputs against their off-takes with trading platforms established to better facilitate gas trade between network users. In order to better integrate ensure renewable and low carbon gases within the entry-exit system an equal access to the market , the balancing zone should also cover, to the extent possible , the distribution system level. The virtual trading point should be used to exchange gas between balancing accounts of network users.	
Recital 21				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
31	(21) References to harmonised transport contracts in the context of non-discriminatory access to the network of transmission system operators do not mean that the terms and conditions of the transport contracts of a particular system operator in a Member State must be the same as those of another transmission system operator in that Member State or in another Member State, unless minimum requirements are set which must be met by all transport contracts.	(21) References to harmonised transport contracts in the context of non-discriminatory access to the network of transmission system operators do not mean that the terms and conditions of the transport contracts of a particular system operator in a Member State must be the same as those of another transmission system operator in that Member State or in another Member State, unless minimum requirements are set which must be met by all transport contracts.	(21) References to harmonised transport contracts in the context of non-discriminatory access to the network of transmission system operators do not mean that the terms and conditions of the transport contracts of a particular system operator in a Member State must be the same as those of another transmission system operator in that Member State or in another Member State, unless minimum requirements are set which must be met by all transport contracts.	
Recital 22				
32	(22) Equal access to information on the physical status and efficiency of the system is necessary to enable all market participants to assess the overall demand and supply situation and to identify the reasons for movements in the wholesale price. This includes more precise information on supply and demand, network capacity, flows and maintenance, balancing and availability and usage of storage. The importance of that information for the functioning of the market requires alleviating existing limitations to publication for confidentiality reasons.	(22) Equal access to information on the physical status and efficiency of the system is necessary to enable all market participants to assess the overall demand and supply situation and to identify the reasons for movements in the wholesale price. This includes more precise information on supply and demand, network capacity, flows and maintenance, balancing and availability and usage of storage. The importance of that information for the functioning of the market requires alleviating existing limitations to publication for confidentiality reasons.	(22) Equal access to information on the physical status and efficiency of the system is necessary to enable all market participants to assess the overall demand and supply situation and to identify the reasons for movements in the wholesale price. This includes more precise information on supply and demand, network capacity, flows and maintenance, balancing and availability and usage of storage. The importance of that information for the functioning of the market requires alleviating existing limitations to publication for confidentiality reasons.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 23				
33	(23) Confidentiality requirements for commercially sensitive information are, however, particularly relevant where data of a commercially strategic nature for the company are concerned, where there is only one single user for a storage facility, or where data are concerned regarding exit points within a system or subsystem that is not connected to another transmission or distribution system but to a single industrial final customer, where the publication of such data would reveal confidential information as to the production process of that customer.	(23) Confidentiality requirements for commercially sensitive information are, however, particularly relevant where data of a commercially strategic nature for the company are concerned, where there is only one single user for a storage facility, or where data are concerned regarding exit points within a system or subsystem that is not connected to another transmission or distribution system but to a single industrial final customer, where the publication of such data would reveal confidential information as to the production process of that customer.	(23) Confidentiality requirements for commercially sensitive information are, however, particularly relevant where data of a commercially strategic nature for the company are concerned, where there is only one single user for a storage facility, or where data are concerned regarding exit points within a system or subsystem that is not connected to another transmission or distribution system but to a single industrial final customer, where the publication of such data would reveal confidential information as to the production process of that customer.	
Recital 24				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
34	<p>(24) To enhance trust in the market, its participants need to be sure that those engaging in abusive behaviour can be subjected to effective, proportionate and dissuasive penalties. The competent authorities should be given the competence to investigate effectively allegations of market abuse. To that end, it is necessary that competent authorities have access to data that provides information on operational decisions made by supply undertakings. In the gas market, all those decisions are communicated to the system operators in the form of capacity reservations, nominations and realised flows. System operators should keep information in relation thereto available to and easily accessible by the competent authorities for a fixed period of time. The competent authorities should, furthermore, regularly monitor the compliance of the transmission system operators with the rules.</p>	<p>(24) To enhance trust in the market, its participants need to be sure that those engaging in abusive behaviour can be subjected to effective, proportionate and dissuasive penalties. The competent authorities should be given the competence to investigate effectively allegations of market abuse. To that end, it is necessary that competent authorities have access to data that provides information on operational decisions made by supply undertakings. In the gas market, all those decisions are communicated to the system operators in the form of capacity reservations, nominations and realised flows. System operators should keep information in relation thereto available to and easily accessible by the competent authorities for a fixed period of time. The competent authorities should, furthermore, regularly monitor the compliance of the transmission system operators with the rules.</p>	<p>(24) To enhance trust in the market, its participants need to be sure that those engaging in abusive behaviour can be subjected to effective, proportionate and dissuasive penalties. The competent authorities should be given the competence to investigate effectively allegations of market abuse. To that end, it is necessary that competent authorities have access to data that provides information on operational decisions made by supply undertakings. In the gas market, all those decisions are communicated to the system operators in the form of capacity reservations, nominations and realised flows. System operators should keep information in relation thereto available to and easily accessible by the competent authorities for a fixed period of time. The competent authorities should, furthermore, regularly monitor the compliance of the transmission system operators with the rules.</p>	
Recital 25				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
35	<p>(25) Access to natural gas storage facilities and liquefied natural gas (LNG) facilities is insufficient in some Member States, and therefore the implementation of the existing rules needs to be improved, including in the transparency area. Such improvement should take into account the potential and uptake of renewable and low-carbon gases for these facilities in the internal market. Monitoring by the European Regulators' Group for Electricity and Gas concluded that the voluntary guidelines for good third-party access practice for storage system operators, agreed by all stakeholders at the Madrid Forum, are being insufficiently applied and therefore need to be made binding.</p>	<p>(25) Access to natural gas storage facilities and, liquefied natural gas (LNG) facilities <u>and hydrogen facilities</u> is insufficient <u>or non-existent</u> in some Member States, and therefore the implementation of the existing rules needs to be improved, including in the transparency area <u>as regards transparency and the objectives of the communication of the Commission of 18 May 2022 on REPowerEU Plan (the 'REPowerEU Plan'), in particular rapidly reducing the Union's dependence on Russian energy resources</u>. Such improvement should take into account the potential and uptake of renewable <u>gas</u> and low-carbon gases <u>gas, in particular hydrogen and biomethane</u>, for these facilities in the internal market <u>and demand-side solutions</u>. Monitoring by the European Regulators' Group for Electricity and Gas concluded that the voluntary guidelines for good third-party access practice for storage system operators, agreed by all stakeholders at the Madrid Forum, are being insufficiently applied and therefore need to be made binding.</p>	<p>(25) Access to natural gas storage facilities and liquefied natural gas (LNG) facilities is insufficient in some Member States, and therefore the implementation of the existing rules needs to be improved, including in the transparency area. Such improvement should take into account the potential and uptake of renewable and low-carbon gases for these facilities in the internal market. Monitoring by the European Regulators' Group for Electricity and Gas concluded that the voluntary guidelines for good third-party access practice for storage system operators, agreed by all stakeholders at the Madrid Forum, are being insufficiently applied and therefore need to be made binding.</p>	
Recital 26				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
36	(26) Non-discriminatory and transparent balancing systems for natural gas, operated by transmission system operators, are important mechanisms, particularly for new market entrants which may have more difficulty balancing their overall sales portfolio than companies already established within a relevant market. It is therefore necessary to lay down rules to ensure that transmission system operators operate such mechanisms in a manner compatible with non-discriminatory, transparent and effective access conditions to the network.	(26) Non-discriminatory and transparent balancing systems for natural gas, operated by transmission system operators, are important mechanisms, particularly for new market entrants which may have more difficulty balancing their overall sales portfolio than companies already established within a relevant market. It is therefore necessary to lay down rules to ensure that transmission system operators operate such mechanisms in a manner compatible with non-discriminatory, transparent and effective access conditions to the network.	(26) Non-discriminatory and transparent balancing systems for natural gas, operated by transmission system operators, are important mechanisms, particularly for new market entrants which may have more difficulty balancing their overall sales portfolio than companies already established within a relevant market. It is therefore necessary to lay down rules to ensure that transmission system operators operate such mechanisms in a manner compatible with non-discriminatory, transparent and effective access conditions to the network.	
Recital 27				
37	(27) Regulatory authorities should ensure compliance with the rules contained in this Regulation and the network codes and guidelines adopted pursuant thereto.	(27) Regulatory authorities should ensure compliance with the rules contained in this Regulation and the network codes and guidelines adopted pursuant thereto.	(27) Regulatory authorities should ensure compliance with the rules contained in this Regulation and the network codes and guidelines adopted pursuant thereto.	
Recital 28				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
38	(28) In the guidelines annexed to this Regulation, more detailed rules are defined. Where appropriate, those rules should evolve over time, taking into account the differences of national gas systems and their development.	(28) In the guidelines annexed to this Regulation, more detailed rules are defined. Where appropriate, those rules should evolve over time, taking into account the differences of national gas systems and their development.	(28) In the guidelines annexed laid down in Annex I to this Regulation, more detailed rules are defined. Where appropriate, those rules should evolve over time, taking into account the differences of national gas systems and their development.	
Recital 29				
39	(29) When proposing to amend the Guidelines annexed to this Regulation, the Commission should ensure prior consultation of all relevant parties concerned with the Guidelines, represented by the professional organisations, and of the Member States within the Madrid Forum.	(29) When proposing to amend the Guidelines annexed to this Regulation, the Commission should ensure prior consultation of all relevant parties concerned with the Guidelines, represented by the professional organisations, and of the Member States within the Madrid Forum.	(29) When proposing to amend the Guidelines annexed laid down in Annex I to this Regulation, the Commission should ensure prior consultation of all relevant parties concerned with the those Guidelines, represented by the professional organisations, and of the Member States within the Madrid Forum.	
Recital 30				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
40	(30) The Member States and the competent national authorities should be required to provide relevant information to the Commission. Such information should be treated confidentially by the Commission.	(30) The Member States and the competent national authorities should be required to provide, <u>upon request</u> , relevant information to the Commission. <u>The request for the information should include the reasons why the information is necessary for the purposes of implementing this Regulation</u> . Such information should be treated confidentially by the Commission.	(30) The Member States and the competent national authorities should be required to provide relevant information to the Commission. Such information should be treated confidentially by the Commission.	
Recital 31				
41	(31) This Regulation and the network codes and guidelines adopted in accordance with it are without prejudice to the application of the Union rules on competition.	(31) This Regulation and the network codes and guidelines adopted in accordance with it are without prejudice to the application of the Union rules on competition.	(31) This Regulation and the network codes and guidelines adopted in accordance with it are without prejudice to the application of the Union rules on- competition.	
Recital 32				
42	(32) Member States and the Energy Community Contracting Parties should closely cooperate on all matters concerning the development of an integrated gas trading region and should take no measures that endanger the further integration of natural gas markets or the security of supply of Member States and Contracting Parties.	(32) Member States and the Energy Community Contracting Parties should closely cooperate on all matters concerning the development of an integrated gas trading region and should take no measures that endanger the further integration of natural gas markets or the security of supply of Member States and Contracting Parties.	(32) Member States and the Energy Community Contracting Parties should closely cooperate on all matters concerning the development of an integrated gas trading region and should take no measures that endanger the further integration of natural gas markets or the security of supply of Member States and Contracting Parties.	
Recital 33				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
43	<p>(33) Transmission system operators could be allowed to reserve storages for natural gas exclusively for carrying out their functions and for the purpose of security of supply. The filling of these strategic stocks could be done by means of joint purchasing using the trading platform as mentioned in Article 10 of Commission Regulation (EU) No 312/2014 without prejudice to Union competition rules. Withdrawal of natural gas should only be possible for the transmission system operators to carry out their functions or in case of a declared emergency situation, as mentioned in Article 11 (1) of that Regulation, in order not to interfere with the regular functioning of the market.</p>	<p>(33) Transmission system operators could be allowed to reserve storages for natural gas exclusively for carrying out their functions and for the purpose of security of supply. The filling of these strategic stocks could be done by means of joint purchasing using the trading platform as mentioned in Article 10 of Commission Regulation (EU) No 312/2014 without prejudice to Union competition rules. Withdrawal of natural gas should only be possible for the transmission system operators to carry out their functions or in case of a declared emergency situation, as mentioned in Article 11 (1) of that Regulation, in order not to interfere with the regular functioning of the market.</p>	<p>(33) Transmission system operators could be allowed to reserve storages for natural gas exclusively for carrying out their functions and for the purpose of security of supply. The filling of these strategic stocks could be done by means of joint purchasing using the trading platform as mentioned in Article 10 of Commission Regulation (EU) No 312/2014 without prejudice to Union competition rules. Withdrawal of natural gas should only be possible for the transmission system operators to carry out their functions or in case of a declared emergency situation, as mentioned in Article 11 (1) of that Regulation, in order not to interfere with the regular functioning of the market.</p>	
Recital 34				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
44	(34) Where a regional markets integration is undertaken, the relevant transmission system operators and regulatory authorities should address issues having a cross-border impact such as tariff structures, balancing regime, capacities at remaining cross-border points, investment plans and the fulfilment of transmissions system operators' and regulatory authorities' tasks.	(34) Where a regional markets integration is undertaken, the relevant transmission system operators and regulatory authorities should address issues having a cross-border impact such as tariff structures, balancing regime, capacities at remaining cross-border points, investment plans and the fulfilment of transmissions system operators' and regulatory authorities' tasks.	<p>(34) Where a regional markets integration is undertaken, the relevant transmission system operators and regulatory authorities should address issues having a cross-border impact such as tariff structures, balancing regime, capacities at remaining cross-border points, investment plans and the fulfilment of transmissions system operators' and regulatory authorities' tasks.</p> <p>Moved to recital 12b and not changed</p>	
Recital 35				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
45	<p>(35) The energy transition and the continuing integration of the gas market will require further transparency on the allowed or target revenue of the transmission system operator. A number of decisions related to natural gas networks will be based on that information. For example, the transfer of transmission assets from a natural gas network to a hydrogen network or the implementation of an inter-TSO compensation mechanism (ITC) require more transparency than currently exists. In addition, the assessments of tariff evolutions on the long term requires clarity on both natural gas demand and cost projections. Transparency on allowed revenue should enable the latter. Regulatory authorities should, in particular, provide information on the methodology used to calculate the revenues of transmission system operators, the value of their regulatory asset base and its depreciation over time, the value of operational expenditures, the cost of capital applied to transmission system operators and the incentives and premia applied.</p>	<p>(35) The energy transition and the continuing integration of the gas market will require further transparency on the allowed or target revenue of the transmission system operator. A number of decisions related to natural gas networks will be based on that information. For example, the transfer of transmission assets from a natural gas network to a hydrogen network or the implementation of an inter-TSO compensation mechanism (ITC) require more transparency than currently exists. In addition, the assessments of tariff evolutions on the long term requires clarity on both natural gas demand and cost projections. Transparency on allowed revenue should enable the latter. Regulatory authorities should, in particular, provide information on the methodology used to calculate the revenues of transmission system operators, the value of their regulatory asset base and its depreciation over time, the value of operational expenditures, the cost of capital applied to transmission system operators and the incentives and premia applied.</p>	<p>(35) The energy transition and the continuing integration of the gas market will require further transparency on the allowed or target revenue of the transmission system operator. A number of decisions related to natural gas networks will be based on that information. For example, the transfer of transmission assets from a natural gas network operator to a hydrogen network operator or the implementation of an inter-TSO compensation mechanism (ITC) require more transparency than currently exists. In addition, the assessments of tariff evolutions on the long term requires clarity on both natural gas demand and cost projections. Transparency on allowed revenue should enable the latter. Regulatory authorities should, in particular, regularly provide information on the methodology used to calculate the revenues of transmission system operators, the value of their regulatory asset base and its depreciation over time, the value of operational expenditures, the cost of capital applied to transmission system operators and the incentives and premia applied, as well as the long-term evolution of transmission tariffs based on the expected changes in their allowed or target revenues and in gas demand. In order to ensure the proper process of collecting and</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 36				
46	(36) Transmission system operators' expenditures are predominantly fixed costs. Their business model and the current national regulatory frameworks rely on the assumption of a long-term utilisation of their networks entailing long depreciation periods (30 to 60 years). In the context of the energy transition, regulatory authorities should therefore be able to anticipate gas demand decrease to modify the regulatory arrangements in due time and prevent a situation where the cost recovery of transmission system operators through tariffs threatens the affordability for consumers due to an increasing ratio of fixed costs to gas demand. Where necessary, the depreciation profile or remuneration of transmission assets could, for example, be modified.	(36) Transmission system operators' expenditures are predominantly fixed costs. Their business model and the current national regulatory frameworks rely on the assumption of a long-term utilisation of their networks entailing long depreciation periods (30 to 60 years). In the context of the energy transition, regulatory authorities should therefore be able to anticipate gas demand decrease to modify the regulatory arrangements in due time and prevent a situation where the cost recovery of transmission system operators through tariffs threatens the affordability for consumers due to an increasing ratio of fixed costs to gas demand. Where necessary, the depreciation profile or remuneration of transmission assets could, for example, be modified.	(36) Transmission system operators' expenditures are predominantly fixed costs. Their business model and the current national regulatory frameworks rely on the assumption of a long-term utilisation of their networks entailing long depreciation periods (30 to 60 years). In the context of the energy transition, regulatory authorities should therefore be able to anticipate gas demand decrease to modify the regulatory arrangements in due time and prevent a situation where the cost recovery of transmission system operators through tariffs threatens the affordability for consumers due to an increasing ratio of fixed costs to gas demand. Where necessary, the depreciation profile or remuneration of transmission assets could, for example, be modified.	
Recital 37				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
47	(37) Transparency on transmission system operators allowed or target revenue should be increased to enable benchmarking and an assessment by network users. Increased transparency should also facilitate cross-border cooperation and the setting up of ITC mechanisms between operators either for regional integration or for the implementation of tariff discounts for renewable and low carbon gases as set out in this Regulation.	(37) Transparency on transmission system operators allowed or target revenue should be increased to enable benchmarking and an assessment by network users. Increased transparency should also facilitate cross-border cooperation and the setting up of ITC mechanisms between operators either_ for regional integration or for the implementation of tariff discounts for renewable and low carbon gases as set out in this Regulation.	(37) Transparency on transmission system operators' allowed or target revenue should be increased to enable benchmarking and an assessment by network users. Increased transparency should also facilitate cross-border cooperation and the setting up of ITC mechanisms between operators either for regional integration or for the implementation of tariff discounts for renewable and low carbon gases as set out in this Regulation.	
Recital 38				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
48	<p>(38) In order to exploit the most economic locations for the production of renewable and low carbon gases, network users should benefit from discounts in capacity-based tariffs. These should include a discount for injection from renewable and low carbon gases production facilities, a discount for tariffs at entry points from and exit points to storage facilities and a discount on the cross-border tariff and entry points from LNG facilities. In case of a change of the value of non-cross border discounts, the regulatory authority needs to balance out the interest between networks users and network operators taking into account stable financial frameworks specifically for existing investments, in particular for renewable production facilities. Where possible, indicators or conditions for changing the discount should be provided sufficiently before any decision to change the discount is taken. This discount should not affect the general tariff setting methodology, but should be provided ex-post on the relevant tariff. In order to benefit from the discount, network users should present the required information towards the transmission system operator on the basis of a certificate which would be linked to the union database.</p>	<p><i>deleted</i></p>	<p>(38) In order to exploit the most economic locations for the production of renewable and low carbon gases, network users should benefit from discounts in capacity-based- tariffs. These should include a discount for injection from renewable and low carbon gases production facilities, a discount for tariffs at entry points from and exit points to storage facilities, and a discount on the cross-border tariff and entry tariffs at interconnection points from LNG facilities between Member States. Regulatory authorities should be able to decide not to apply the discounts to these tariffs under certain circumstances. In case of a change of the value of non-cross border discounts, the regulatory authority needs to should balance out the interest between networks users and network operators taking into account stable financial frameworks specifically for existing investments, in particular for renewable production facilities. Where possible, indicators or conditions for changing the discount should be provided sufficiently before any decision to change the discount is taken. This discount should not affect the general tariff setting methodology, but should be provided ex-post on the relevant tariff. In order to benefit from the discount, network users should</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 39				
49	(39) Revenue decreases from the application of discounts shall be treated as general revenue decreases, e.g. from reduced capacity sales and need to be recovered via tariffs in a timely manner, for instance by an increase of the specific tariffs following the general rules contained in Article 15 of this Regulation. The Commission should be empowered to change the discount levels via delegated acts to mitigate structural imbalances of revenues for transmission system operators.	<i>deleted</i>	(39) Revenue decreases from the application of discounts shall should be treated as general revenue decreases, e.g. from reduced capacity sales and would need to be recovered via tariffs in a timely manner, for instance by an increase of the specific tariffs following the general rules contained in Article 15 of this Regulation. The Commission should be empowered to change the discount levels via delegated acts adopt delegated acts to amend this Regulation by changing the discount levels to mitigate structural imbalances of revenues for transmission system operators.	
Recital 40				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
50	<p>(40) In order to increase efficiencies in the natural gas distribution networks in the Union and to ensure close cooperation with transmission system operators and the ENTSO for Gas, an entity of distribution system operators in the Union ('EU DSO entity') should be provided for which also includes natural gas distribution system operators. The tasks of the EU DSO entity should be well-defined and its working method should ensure efficiency, transparency and representativeness among Union distribution system operators. The EU DSO entity should closely cooperate with the ENTSO for Gas on the preparation and implementation of the network codes where applicable and should work on providing guidance on the integration inter alia of distributed generation and other areas, which relate to the management of distribution networks.</p>	<p>(40) In order to increase efficiencies in the natural gas distribution networks in the Union and to ensure close cooperation with transmission system operators and the <i>ENTSO for Gas</i> ENTSOG&H, an entity of distribution system operators in the Union ('EU DSO entity') should be provided for which also includes natural gas distribution system operators. The tasks of the EU DSO entity should be well-defined and its working method should ensure efficiency, transparency and representativeness among Union distribution system operators. The EU DSO entity should closely cooperate with the <i>ENTSO for Gas</i> ENTSOG&H on the preparation and implementation of the network codes where applicable and should work on providing guidance on the integration inter alia of distributed generation and other areas, which relate to the management of distribution networks.</p>	<p>(40) In order to increase efficiencies in the natural gas distribution networks in the Union and to ensure close cooperation with transmission system operators and the ENTSO for Gas, an entity of distribution system operators in the Union ('EU DSO entity') should be provided for which also includes natural gas distribution system operators. The tasks of the EU DSO entity should be well-defined and its working method should ensure efficiency, transparency and representativeness among Union distribution system operators. The EU DSO entity should be free to establish its statutes and rules of procedures taking into account the differences between natural gas and electricity sectors. The EU DSO entity should closely cooperate with the ENTSO for Gas on the preparation and implementation of the network codes where applicable and should work on providing guidance on the integration inter alia of distributed generation and other areas, which relate to the management of distribution networks.</p>	
Recital 41				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
51	<p>(41) Distribution system operators have an important role to play when it comes to the integration of renewable and low carbon gases into the system, as for example about half of the biomethane production capacity is connected to the distribution grid. In order to facilitate the participation of these gases in the wholesale market, production facilities connected to the distribution grid in all Member States should have access to the virtual trading point. Furthermore in accordance with the provisions of this Regulation distribution system operators and transmission system operators should work together to enable reverse flows from the distribution to the transmission network or to ensure the integration of the distribution system through alternative means, equivalent in effect, to facilitate the market integration of renewable and low carbon gases.</p>	<p>(41) Distribution system operators have an important role to play when it comes to the integration of renewable <u>gas and low-carbon gas</u> and low-carbon gases into the system, as for example about half of the biomethane production capacity is connected to the distribution grid. In order to facilitate the participation of <u>these gases</u> such as gas in the wholesale market, production facilities connected to the distribution grid in all Member States should have access to the virtual trading point. Furthermore in accordance with the provisions of this Regulation distribution system operators and transmission system operators should work together to enable reverse flows from the distribution to the transmission network or to ensure the integration of the distribution system through alternative means, equivalent in effect, to facilitate the market integration of renewable <u>gas</u> and low carbon <u>gases</u> gas.</p>	<p>(41) Distribution system operators have an important role to play when it comes to the integration of renewable and low carbon gases into the system, as for example about half of the biomethane production capacity is connected to the distribution grid. In order to facilitate the participation of these gases in the wholesale market, production facilities connected to the distribution grid in all Member States should have access to the virtual trading point. Furthermore, in accordance with the provisions of this Regulation, distribution system operators and transmission system operators should work together to enable reverse flows from the distribution to the transmission network or to ensure the integration of the distribution system through alternative means, equivalent in effect, to facilitate the market integration of renewable and low carbon gases.</p>	
Recital 42				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
52	<p>(42) The integration of growing volumes of renewable and low-carbon gases in the European natural gas system will change the quality of natural gas transported and consumed in Europe. To ensure unhindered cross-border flow of natural gas, maintain the interoperability of markets and enable market integration, it is necessary to increase transparency on gas quality and on the costs of its management, provide for a harmonised approach on the roles and responsibilities of regulatory authorities and system operators and reinforce cross-border coordination. While ensuring a harmonised approach on gas quality for cross-border interconnection points, Member States' flexibility as regards the application of gas quality standards in their domestic natural gas systems should be maintained.</p>	<p>(42) The integration of growing volumes of renewable <i>gas</i> and low-carbon <i>gasesgas</i> in the European natural gas system will change the quality of natural gas transported and consumed in Europe. To ensure unhindered cross-border flow of natural gas, maintain the interoperability of markets and enable market integration, it is necessary to increase transparency on gas quality and on the costs of its management, provide for a harmonised approach on the roles and responsibilities of regulatory authorities and system operators and reinforce cross-border coordination. While ensuring a harmonised approach on gas quality for cross-border interconnection points, Member States' flexibility as regards the application of gas quality standards in their domestic natural gas systems should be maintained.</p>	<p>(42) The integration of growing volumes of renewable and low-carbon gases in the European natural gas system will change the quality of natural gas transported and consumed in Europe. To ensure unhindered cross-border flow of natural gas, maintain the interoperability of markets and enable market integration, it is necessary to increase transparency on gas quality and on the costs of its management, provide for a harmonised approach on the roles and responsibilities of regulatory authorities and system operators and reinforce cross-border coordination. While ensuring a harmonised approach on gas quality for cross-border interconnection points, Member States' flexibility as regards the application of gas quality standards in their domestic natural gas systems should be maintained.</p>	
Recital 43				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
53	<p>(43) The blending of hydrogen into the natural gas system is less efficient compared to using hydrogen in its pure form and diminishes the value of hydrogen. It also affects the operation of gas infrastructure, end-user applications, and the interoperability of cross-border systems. The Member States' decision on whether to apply blending hydrogen in their national natural gas systems should be preserved. At the same time, a harmonised approach on blending hydrogen into the natural gas system in the form of a Union-wide allowed cap at cross-border interconnection points between Union Member States, where transmission system operators have to accept natural gas with a blended hydrogen level below the cap, would limit the risk of market segmentation. Adjacent transmission systems should remain free to agree on higher hydrogen blending levels for cross-border interconnection points.</p>	<p>(43) The blending of hydrogen into the natural gas system <u>should be a last resort solution, as it</u> is less efficient compared to <u>using the use of</u> hydrogen in its pure form and diminishes the value of hydrogen. It also affects the operation of gas infrastructure, end-user applications, and the interoperability of cross-border systems. The Member States' decision on whether to apply blending <u>should therefore prioritise the production and use of renewable and low-carbon</u> hydrogen in their national natural gas systems <u>pure form in the hard-to-decarbonise sectors, such as in industry and transport applications.</u> However, all efforts should be preserved. At the same time, a harmonised approach on blending hydrogen into the natural gas system in the form of a Union-wide allowed cap at cross-border interconnection points between Union Member States, where transmission system operators have to accept natural gas with a blended hydrogen level below the cap, would limit the risk of market segmentation. Adjacent transmission systems should remain free to agree on higher hydrogen blending levels for cross-border interconnection points. <u>made to avoid the use of hydrogen for applications with regard to which more energy-efficient alternatives exist, such as the heating of buildings, and the production of hot water for sanitary use and of low-grade heat for</u></p>	<p>(43) The blending of hydrogen into the natural gas system is less efficient compared to using hydrogen in its pure form and diminishes the value of hydrogen. It also affects the operation of gas infrastructure, end-user applications, and the interoperability of cross-border systems. The Member States' decision on whether to apply blending hydrogen in their national natural gas systems should be preserved. At the same time, a harmonised approach on blending hydrogen into the natural gas system in the form of a Union-wide allowed cap at cross-border interconnection points between Union Member States, where transmission system operators have to accept natural gas with a blended hydrogen level below the cap, would limit the risk of market segmentation. Adjacent transmission systems should remain free to agree on higher hydrogen blending levels for cross-border interconnection points. When considering such agreements, Member States should consult the other Member States if they are likely to be affected by the measure and take into account the situation in these countries.</p>	

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the internal markets for renewable and natural gases and for hydrogen (recast) 2021/0424(COD)

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 44				
54	<p>(44) A strong cross-border coordination and dispute settlement process between transmission system operators on gas quality, including on biomethane and hydrogen blends, is essential to facilitate efficient transport of natural gas across natural gas systems within the Union and thereby to move towards greater internal market integration. Enhanced transparency requirements on gas quality parameters, including on gross calorific value, Wobbe Index and oxygen content, and hydrogen blends and their development over time combined with monitoring and reporting obligations should contribute to the well-functioning of an open and efficient internal market in natural gas.</p>	<p>(44) A strong cross-border coordination and dispute settlement process between transmission system operators on gas quality, including on biomethane and hydrogen blends, is essential to facilitate efficient transport of natural gas across natural gas systems within the Union and thereby to move towards greater internal market integration. Enhanced transparency requirements on gas quality parameters, including on gross calorific value, Wobbe Index and oxygen content, and hydrogen blends and their development over time combined with monitoring and reporting obligations should contribute to the well-functioning of an open and efficient internal market in natural gas.</p>	<p>(44) A strong cross-border coordination and dispute settlement process between transmission system operators on gas quality, including on biomethane and hydrogen blends, is essential to facilitate efficient transport of natural gas across natural gas systems within the Union and thereby to move towards greater internal market integration. Enhanced transparency requirements on gas quality parameters, including on gross calorific value, Wobbe Index and oxygen content, and hydrogen blends and their development over time combined with monitoring and reporting obligations should contribute to the well-functioning of an open and efficient internal market in natural gas.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
54a			<p>(44a) Member States should remain able to resort to their original gas quality specifications in case their regulatory authorities fail to reach an agreement on removing a cross-border restriction caused by differences in hydrogen blending levels or practices. To ensure unhindered cross-border flows and preserve the integrity of the internal energy market, the relevant regulatory authorities should be empowered to restart the common dispute settlement process on a rolling basis, in order to reflect the developments occurred in gas markets and technologies.</p>	
Recital 45				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
55	<p>(45) In order to amend non-essential elements of this Regulation and to supplement this Regulation in respect of non-essential elements of certain specific areas which are fundamental for market integration, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>¹. OJ L 123, 12.5.2016, p. 1</p>	<p>(45) In order to amend non-essential elements of this Regulation and to supplement this Regulation in respect of non-essential elements of certain specific areas which are fundamental for market integration, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. <u>The Commission should also ensure that the public has access to all documents submitted to the Commission in connection with the adoption of the delegated acts.</u></p> <p>¹. OJ L 123, 12.5.2016, p. 1</p>	<p>(45) In order to amend non-essential elements of this Regulation and to supplement this Regulation in respect of non-essential elements of certain specific areas which are fundamental for market integration, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council should receive all documents at the same time as Member States' experts, and their experts should systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>¹. OJ L 123, 12.5.2016, p. 1</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 46				
56	<p>(46) Commission Regulation (EU) 2015/703¹ sets out interoperability and data exchange rules for the natural gas system, in particular with respect to interconnection agreements, including rules for flow control, measurement principles for gas quantity and quality, rules for the matching process and for the allocation of gas quantities, communication procedures in case of exceptional events; common set of units, gas quality, including rules on managing cross-border trade restrictions due to gas quality differences and due to differences in odourisation practices, short- and long-term gas quality monitoring and information provision; data exchange, and reporting on gas quality; transparency, communication, information provision and cooperation among relevant market participants.</p> <p><small>1. Commission Regulation (EU) 2015/703 of 30 April 2015 establishing a network code on interoperability and data exchange rules (OJ L 113, 1.5.2015, p. 13).</small></p>	<p>(46) Commission Regulation (EU) 2015/703¹ sets out interoperability and data exchange rules for the natural gas system, in particular with respect to interconnection agreements, including rules for flow control, measurement principles for gas quantity and quality, rules for the matching process and for the allocation of gas quantities, communication procedures in case of exceptional events; common set of units, gas quality, including rules on managing cross-border trade restrictions due to gas quality differences and due to differences in odourisation practices, short- and long-term gas quality monitoring and information provision; data exchange, and reporting on gas quality; transparency, communication, information provision and cooperation among relevant market participants.</p> <p><small>1. Commission Regulation (EU) 2015/703 of 30 April 2015 establishing a network code on interoperability and data exchange rules (OJ L 113, 1.5.2015, p. 13).</small></p>	<p>(46) Commission Regulation (EU) 2015/703¹ sets out Interoperability and data exchange rules for the natural gas system as also set out in Commission Regulation (EU) 2015/703 are essential², in particular with respect to interconnection agreements, including rules for flow control, measurement principles for gas quantity and quality, rules for the matching process and for the allocation of gas quantities, communication procedures in case of exceptional events; common set of units, gas quality, including rules on managing cross-border trade restrictions due to gas quality differences and due to differences in odourisation practices, short- and long-term gas quality monitoring and information provision; data exchange, and reporting on gas quality; transparency, communication, information provision and cooperation among relevant market participants.</p> <p><small>1. Commission Regulation (EU) 2015/703 of 30 April 2015 establishing a network code on interoperability and data exchange rules (OJ L 113, 1.5.2015, p. 13).</small> 2. Commission Regulation (EU) 2015/703 of 30 April 2015 establishing a network code on interoperability and data exchange rules (OJ L 113, 1.5.2015, p. 13).</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 47				
57	<p>(47) In order to ensure optimal management of the Union hydrogen network and to allow trading and supplying hydrogen across borders in the Union, a European Network of Network Operators for Hydrogen ('ENNOH') should be established. The tasks of the ENNOH should be carried out in compliance with Union competition rules. The tasks of the ENNOH should be well-defined and its working method should ensure efficiency, transparency and the representative nature of the ENNOH. The network codes prepared by ENNOH should not replace the necessary national network codes for non cross-border issues.</p>	<p>(47) In order to ensure optimal management of the Union hydrogen network and to allow trading and supplying hydrogen across borders in the Union, a European Network of Network Operators for ENTSO for Gas <u>should be renamed the joint EU organisation for Gas Transmission System Operators and Hydrogen Network Operators (the 'ENTSOG&H') and incorporate Hydrogen Network Operators into its membership and its tasks 'ENNOH' should be established. The tasks of the ENNOH expanded to include hydrogen activities. Those tasks should be carried out in compliance with Union competition rules. The tasks of the ENNOH should be well-defined and its <u>be well-defined and be performed in a manner representative to gas and hydrogen. The working method of the ENTSOG&H</u> should ensure efficiency, transparency and the representative nature of the ENNOH and transparency. The network codes prepared by ENNOH <u>the ENTSOG&H</u> should not replace the necessary national network codes for non cross-border issues.</u></p>	<p>(47) In order to ensure optimal management of the Union hydrogen network and to allow trading and supplying hydrogen across borders in the Union, a European Network of Network Operators for Hydrogen ('ENNOH') should be established. The tasks of the ENNOH should be carried out in compliance with Union competition rules. The tasks of the ENNOH should be well-defined and its working method should ensure efficiency, transparency and the representative nature of the ENNOH. The network codes prepared by ENNOH should not replace the necessary national network codes for non cross-border issues.</p>	
Recital 48				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
58	(48) Until the ENNOH is established, a temporary platform should be set up under the lead of the Commission with the involvement of ACER and all relevant market participants, including the ENTSO for Gas, the ENTSO for Electricity and the EU DSO entity. This platform should support early work on scoping and developing issues relevant for the building up of the hydrogen network and markets without formal decision-making powers. The platform should be dissolved once ENNOH is established. Until the ENNOH is established, the ENTSO for Gas will be responsible for the development of Union-wide network development plans, including hydrogen networks.	<i>deleted</i>	(48) Until the ENNOH is established, a temporary platform should be set up under the lead of the Commission with the involvement of ACER and all relevant market participants, including the ENTSO for Gas, the ENTSO for Electricity and the EU DSO entity. This platform should support early work on scoping and developing issues relevant for the building up of the hydrogen network and markets without formal decision-making powers. The platform should be dissolved once ENNOH is established. Until the ENNOH is established, the ENTSO for Gas will be responsible for the development of Union-wide network development plans, including hydrogen networks.	
Recital 49				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
59	<p>(49) In order to ensure transparency regarding the development of the hydrogen network in the Union, the ENNOH should establish, publish and regularly update a non-binding Union-wide ten-year network development plan for hydrogen targeted at the needs of the developing hydrogen markets. Viable hydrogen transportation networks and necessary interconnections, relevant from a commercial point of view, should be included in that network development plan. The ENNOH should participate in the development of the energy system wide cost-benefit analysis – including the interlinked energy market and network model including electricity, gas and hydrogen transport infrastructure as well as storage, LNG and electrolysers –, the scenarios for the ten-year network development plans and the infrastructure gaps identification report as set out in Articles 11, 12 and 13 of [the TEN-E Regulation as proposed in COM(2020) 824 final] for the development of the lists of projects of common interest. For that purpose, the ENNOH should closely cooperate with the ENTSO for Electricity and the ENTSO for Gas to facilitate system integration. The ENNOH should undertake those tasks for the first time for the development of the 8th list of</p>	<p>(49) In order to ensure transparency regarding the <u>the transparent and efficient</u> development of the hydrogen network in the Union, the ENNOH <u>ENTSO&H</u> should establish, publish and regularly update a <u>single</u>, non-binding Union-wide ten-year network development plan for <u>gas and</u> hydrogen targeted at <u>paying due consideration to</u> the needs of the <u>two distinct gas and</u> developing hydrogen markets. Viable hydrogen transportation networks and necessary interconnections, relevant from a commercial point of view, should be included in that network development plan. The ENNOH <u>ENTSO&H</u> should <u>continue to</u> participate in the development of the energy system wide cost-benefit analysis – including the interlinked energy market and network model including electricity, gas and hydrogen transport infrastructure as well as storage, LNG and electrolysers –, the scenarios for the ten-year network development plans and the infrastructure gaps identification report as set out in Articles 11, 12 and 13 of the TEN-E Regulation as proposed in COM(2020) 824 final <u>Regulation (EU) 2022/869 of the European Parliament and of the Council</u> for the development of the lists of projects of common interest. For that purpose, the</p>	<p>(49) In order to ensure transparency regarding the development of the hydrogen network in the Union, the ENNOH should establish, publish and regularly update a non-binding Union-wide ten-year network development plan for hydrogen targeted at the needs of the developing hydrogen markets. Viable hydrogen transportation <u>transport</u> networks and necessary interconnections, relevant from a commercial point of view, should be included in that network development plan. The ENNOH should participate in the development of the energy system wide cost-benefit analysis – including the interlinked energy market and network model including electricity, gas and hydrogen transport infrastructure as well as storage, LNG and electrolysers –, the scenarios for the ten-year network development plans and the infrastructure gaps identification report as set out in Articles 11, 12 and 13 of the TEN-E Regulation as proposed in COM(2020) 824 final <u>(EU) 2022/869</u> for the development of the lists of projects of common interest. For that purpose, the ENNOH should closely cooperate with the ENTSO for Electricity and the ENTSO for Gas to facilitate system integration. The ENNOH should undertake those tasks for the first time for the development of the</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 50				
60	(50) All market participants have an interest in the work expected of the ENNOH. An effective consultation process is therefore essential. Overall, ENNOH should seek, build on and integrate in its work experience with infrastructure planning, development and operation in cooperation with other relevant market participants and their associations.	(50) All market participants have an interest in the work expected of the ENNOH <u>ENTSOG&H</u> . An effective consultation process is therefore essential. Overall, ENNOH <u>the ENTSOG&H</u> should seek, build on and integrate in its work experience with infrastructure planning, development and operation in cooperation with other relevant market participants and their associations.	(50) All market participants have an interest in the work expected of the ENNOH. An effective consultation process is therefore essential. Overall, ENNOH should seek, build on and integrate in its work experience with infrastructure planning, development and operation in cooperation with other relevant market participants and their associations.	
Recital 51				
61	(51) Given that more effective progress may be achieved through an approach at regional level, hydrogen network operators should set up regional structures within the overall cooperation structure, while ensuring that results at regional level are compatible with network codes and Union-wide non-binding ten-year network development plans. Member States should promote cooperation and monitor the effectiveness of the network at regional level.	(51) Given that more effective progress may be achieved through an approach at regional level, hydrogen network operators should set up regional structures within the overall cooperation structure, while ensuring that results at regional level are compatible with network codes and Union-wide non-binding ten-year network development plans. Member States should promote cooperation and monitor the effectiveness of the network at regional level.	(51) Given that more effective progress may be achieved through an approach at regional level, hydrogen network operators should set up regional structures within the overall cooperation structure, while ensuring that results at regional level are compatible with network codes and Union-wide non-binding ten-year network development plans. Member States should promote cooperation and monitor the effectiveness of the network at regional level.	
Recital 52				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
62	(52) Transparency requirements are necessary to ensure that trust in the emerging hydrogen markets in the Union can develop among market participants. Equal access to information on the physical status and functioning of the hydrogen system is necessary to enable all market participants to assess the overall demand and supply situation and to identify the reasons for market price developments. Information should be always disclosed in a meaningful and easily accessible manner and on a non-discriminatory basis.	(52) Transparency requirements are necessary to ensure that trust in the emerging hydrogen markets in the Union can develop among market participants. Equal access to information on the physical status and functioning of the hydrogen system is necessary to enable all market participants to assess the overall demand and supply situation and to identify the reasons for market price developments. Information should be always disclosed in a meaningful and easily accessible manner and on a non-discriminatory basis.	(52) Transparency requirements are necessary to ensure that trust in the emerging hydrogen markets in the Union can develop among market participants. Equal access to information on the physical status and functioning of the hydrogen system is necessary to enable all market participants to assess the overall demand and supply situation and to identify the reasons for market price developments. Information should be always disclosed in a meaningful and easily accessible manner and on a non-discriminatory basis.	
Recital 53				
63	(53) The ENNOH will establish a central, web-based platform for making available all data relevant for market participants to gain effective access to the network.	(53) The ENNOH ENTSOG&H will establish a central, web-based platform for making available all data relevant for market participants to gain effective access to the network.	(53) The ENNOH will should establish a central, web-based platform for making available all data relevant for market participants to gain effective access to the network.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
63a		<p><u><i>(53a) In order to promote overall energy system integration, sector coupling and the increase of efficiency and synergies across the energy sectors, the ENTSOG&H and ENTSOE shall cooperate closely with each other. This shall include, in particular, cooperation on the development of the energy system wide cost-benefit analysis, capacity requirements across the energy systems, and the interlinked energy markets and network modelling including electricity, gas and hydrogen transport infrastructure as well as storage, the Union's climate and energy efficiency objectives, LNG and hydrogen terminals and electrolysers referred to in Article 11 of Regulation (EU) 2022/869, the scenarios for the Ten-Year Network Development Plans referred to in Article 12 of Regulation (EU) 2022/869 and the infrastructure gaps identification referred to in Article 13 of Regulation (EU) 2022/869.</i></u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
63b		<p><u><i>(53b) The achievement of the offshore wind development targets of the REPowerEU Plan are of paramount importance development for the needed acceleration of the decarbonisation and the development of the market for renewable hydrogen. Therefore, where technically possible, ENTSOG&H and ENTSO-E should harmonise their work under the European Plan for Priority Corridors for Hydrogen (consistent with Annex I to Regulation (EU) 2022/869 and reinforced by the REPowerEU Plan) and high-level strategic integrated offshore network development plans referred to in Article 14(2) of Regulation (EU) 2022/869 in order to ensure that the site and size of the hydrogen injection points across the two systems are appropriate.</i></u></p>		
Recital 54				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
64	(54) The conditions for access to hydrogen networks in the early phase of market development should ensure efficient operation, non-discrimination and transparency for network users while preserving sufficient flexibility for operators. Limiting the maximum duration of capacity contracts should reduce the risk of contractual congestion and capacity hoarding.	(54) The conditions for access to hydrogen networks in the early phase of market development should ensure efficient operation, non-discrimination and transparency for network users while preserving sufficient flexibility for operators. Limiting the maximum duration of capacity contracts should reduce the risk of contractual congestion and capacity hoarding.	(54) The conditions for access to hydrogen networks in the early phase of market development should ensure efficient operation, non-discrimination and transparency for network users while preserving sufficient flexibility for operators. Limiting the maximum duration of capacity contracts should reduce the risk of contractual congestion and capacity hoarding.	
Recital 55				
65	(55) General conditions for granting third-party access to hydrogen storage facilities and hydrogen terminals should be set out in order to ensure non-discriminatory access and transparency for network users.	(55) General conditions for granting third-party access to hydrogen storage facilities and hydrogen terminals should be set out in order to ensure non-discriminatory access and transparency for network users.	(55) General conditions for granting third-party access to hydrogen storage facilities and hydrogen terminals should be set out in order to ensure non-discriminatory access and transparency for network users.	
Recital 56				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
66	<p>(56) Hydrogen network operators should cooperate to create network codes for providing and managing transparent and non-discriminatory access to the networks across borders and to ensure coordinated development of the network in the Union, including the creation of interconnection capacities. The network codes should be in line with non-binding framework guidelines developed by ACER. ACER should have a role in reviewing, based on matters of fact, draft network codes, including their compliance with the framework guidelines, and it should be enabled to recommend them for adoption by the Commission. ACER should assess proposed amendments to the network codes and it should be enabled to recommend them for adoption by the Commission. Hydrogen network operators should operate their networks in accordance with those network codes.</p>	<p>(56) Hydrogen network operators should cooperate to create network codes for providing and managing transparent and non-discriminatory access to the networks across borders and to ensure coordinated development of the network in the Union, including the creation of interconnection capacities. The network codes should be in line with non-binding framework guidelines developed by ACER. ACER should have a role in reviewing, based on matters of fact, draft network codes, including their compliance with the framework guidelines, and it should be enabled to recommend them for adoption by the Commission. ACER should assess proposed amendments to the network codes and it should be enabled to recommend them for adoption by the Commission. Hydrogen network operators should operate their networks in accordance with those network codes.</p>	<p>(56) Hydrogen network operators should cooperate to create network codes for providing and managing transparent and non-discriminatory access to the networks across borders and to ensure coordinated development of the network in the Union, including the creation of interconnection capacities. The Commission should establish the first priority list for the identification of areas to be included in the development of network codes for hydrogen one year after the establishment of the ENNOH. The network codes should be in line with non-binding framework guidelines developed by ACER. ACER should have a role in reviewing, based on matters of fact, draft network codes, including their compliance with the framework guidelines, and it should be enabled to recommend them for adoption by the Commission. ACER should assess proposed amendments to the network codes and it should be enabled to recommend them for adoption by the Commission. Hydrogen network operators should operate their networks in accordance with those network codes.</p>	
Recital 57				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
67	(57) The network codes prepared by the ENNOH are not intended to replace the necessary national rules for non-cross-border issues.	(57) The network codes prepared by the ENNOH ENTSOG&H are not intended to replace the necessary national rules for non-cross-border issues.	(57) The network codes prepared by the ENNOH are not intended to replace the necessary national rules for non-cross-border issues.	
Recital 58				
68	(58) The quality of hydrogen transported and consumed in Europe can vary depending on its production technology and transportation specificities. Therefore, a harmonised approach at Union level to hydrogen quality management at cross-border interconnectors should lead to the cross-border flow of hydrogen and to market integration.	(58) The quality of hydrogen transported and consumed in Europe can vary depending on its production technology and transportation specificities. Therefore, a harmonised approach at Union level to hydrogen quality management at cross-border interconnectors should lead to the cross-border flow of hydrogen and to market integration.	(58) The quality of hydrogen transported and consumed in Europe can vary depending on its production technology and transportation transport specificities. Therefore, a harmonised approach at Union level to hydrogen quality management at cross-border interconnectors should lead to the cross-border flow of hydrogen and to market integration.	
Recital 59				
69	(59) Where the regulatory authority considers it necessary, hydrogen network operators could become responsible for managing hydrogen quality in their networks, within the framework of applicable hydrogen quality standards, ensuring reliable and stable hydrogen quality for end-consumers.	(59) Where the regulatory authority considers it necessary, hydrogen network operators could become responsible for managing hydrogen quality in their networks, within the framework of applicable hydrogen quality standards, ensuring reliable and stable hydrogen quality for end-consumers.	(59) Where the regulatory authority considers it necessary, hydrogen network operators could become responsible for managing hydrogen quality in their networks, within the framework of applicable hydrogen quality standards, ensuring reliable and stable hydrogen quality for end-consumers.	
Recital 60				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
70	<p>(60) A strong cross-border coordination and dispute settlement process between hydrogen system operators is essential to facilitate the transport of hydrogen across hydrogen networks within the Union and thereby to move towards greater internal market integration. Enhanced transparency requirements on hydrogen quality parameters and on their development over time combined with monitoring and reporting obligations should contribute to the well-functioning of an open and efficient internal market in hydrogen.</p>	<p>(60) A strong cross-border coordination and dispute settlement process between hydrogen system operators is essential to facilitate the transport of hydrogen across hydrogen networks within the Union and thereby to move towards greater internal market integration. Enhanced transparency requirements on hydrogen quality parameters and on their development over time combined with monitoring and reporting obligations should contribute to the well-functioning of an open and efficient internal market in hydrogen.</p>	<p>(60) A strong cross-border coordination and dispute settlement process between hydrogen systemnetwork operators is essential to facilitate the transport of hydrogen across hydrogen networks within the Union and thereby to move towards greater internal market integration. Enhanced transparency requirements on hydrogen quality parameters and on their development over time combined with monitoring and reporting obligations should contribute to the well-functioning of an open and efficient internal market in hydrogen.</p>	
Recital 61				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
71	<p>(61) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers in accordance with Article 291 of TFEU 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 Council.¹</p> <p>¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	<p>(61) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers in accordance with Article 291 of TFEU 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 Council.¹</p> <p>¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	<p>(61) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers in accordance with Article 291 of TFEU 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 Council.¹</p> <p>¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</p>	
Recital 62				
72	<p>(62) To ensure the efficient operation of the European hydrogen networks, hydrogen network operators should be responsible for the operation, maintenance and development of the hydrogen transport network in close cooperation with other hydrogen network operators as well as with other system operators their networks are connected with, including to facilitate energy system integration.</p>	<p>(62) To ensure the efficient operation of the European hydrogen networks, hydrogen network operators should be responsible for the operation, maintenance and development of the hydrogen transport network in close cooperation with other hydrogen network operators as well as with other system operators their networks are connected with, including to facilitate energy system integration.</p>	<p>(62) To ensure the efficient operation of the European hydrogen networks, hydrogen network operators should be responsible for the operation, maintenance and development of the hydrogen transport network in close cooperation with other hydrogen network operators as well as with other system operators their networks are connected with, including to facilitate energy system integration.</p>	
Recital 63				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
73	<p>(63) It is in the interest of the functioning of the internal market to have standards which have been harmonised at Union level. Once the reference to such a standard has been published in the Official Journal of the European Union, compliance with it should raise a presumption of conformity with the corresponding requirements set out in the implementing measure adopted on the basis of this Regulation, although other means of demonstrating such conformity should be permitted. In line with Article 10 of Regulation (EU) 1025/2012, the European Commission can request European standardisation organisations to develop technical specifications, European standards and harmonised European standards. One of the main roles of harmonised standards should be to help operators in applying the implementing measures adopted under this Regulation and recast Gas Directive as proposed in COM(2021) xxx.</p>	<p>(63) It is in the interest of the functioning of the internal market to have standards which have been harmonised at Union level. Once the reference to such a standard has been published in the Official Journal of the European Union, compliance with it should raise a presumption of conformity with the corresponding requirements set out in the implementing measure adopted on the basis of this Regulation, although other means of demonstrating such conformity should be permitted. In line with Article 10 of Regulation (EU) 1025/2012, the European Commission can request European standardisation organisations to develop technical specifications, European standards and harmonised European standards. One of the main roles of harmonised standards should be to help operators in applying the implementing measures adopted under this Regulation and recast Gas Directive as proposed in COM(2021) xxx.</p>	<p>(63) It is in the interest of the functioning of the internal market to have standards which have been harmonised at Union level. Once the reference to such a standard has been published in the Official Journal of the European Union, compliance with it should raise a presumption of conformity with the corresponding requirements set out in the implementing measure adopted on the basis of this Regulation, although other means of demonstrating such conformity should be permitted. In line with Article 10 of Regulation (EU) 1025/2012, the European Commission can request European standardisation organisations to develop technical specifications, European standards and harmonised European standards. One of the main roles of harmonised standards should be to help operators in applying the implementing measures adopted under this Regulation and recast Gas Directive as proposed in COM(2021) xxx.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
73a			<p>(63a) The current EU standardisation framework which is based on the New Approach principles and on Regulation (EU) No.1025/2012 represents the framework by default to elaborate standards that provide presumption of conformity with the relevant requirements of this Regulation or set out in specific implementing or delegated acts adopted on the basis of this Regulation. European standards should be market driven and take into account the public interest, as well as the policy objectives clearly stated in the Commission’s request to one or more European standardisation organisations to draft harmonised standards, within a set deadline and be based on consensus. However, in the absence of relevant references to harmonised standards, or when the standardisation process is blocked or there are delays in the establishment of appropriate harmonised standards, the Commission should be able to establish, via implementing or delegate acts, common specifications for the requirements of this Regulation, provided that in doing so it duly respects the standardisation organisations’ role and functions. This option should be understood as an exceptional fallback solution to facilitate</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 64				
74	(64) In order to fully take into account the quality requirements of hydrogen end-users, technical specifications and standards for the quality of hydrogen in the hydrogen network will have to consider already existing standards setting such end-user requirements (for instance, the standard EN 17124).	(64) In order to fully take into account the quality requirements of hydrogen end-users, technical specifications and standards for the quality of hydrogen in the hydrogen network will have to consider already existing standards setting such end-user requirements (for instance, the standard EN 17124).	(64) In order to fully take into account the quality requirements of hydrogen end-users, technical specifications and standards for the quality of hydrogen in the hydrogen network will have to consider should take into account already existing standards setting such end-user requirements (for instance, the standard EN 17124).	
Recital 65				
75	(65) Hydrogen system operators should build sufficient cross-border capacity for the transportation of hydrogen accommodating all economically reasonable and technically feasible demands for such capacity, thereby enabling market integration.	(65) Hydrogen system operators should build sufficient cross-border capacity for the transportation of hydrogen accommodating all economically reasonable and technically feasible demands for such capacity, thereby enabling market integration.	(65) Hydrogen system network operators should build sufficient cross-border capacity for the transportation transport of hydrogen accommodating all economically reasonable and technically feasible demands for such capacity, thereby enabling market integration.	
Recital 66				
76	(66) ACER should publish a monitoring report on the status of congestion.	(66) ACER should publish a monitoring report on the status of congestion.	(66) ACER should publish a monitoring report on the status of congestion.	
Recital 67				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
77	(67) In view of the potential of hydrogen as energy carrier and the possibility that Member States will engage in trade in hydrogen with third countries, it is necessary to clarify that intergovernmental agreements in the field of energy relating to gas subject to notification obligations in accordance with Decision (EU) 2017/684 include intergovernmental agreements relating to hydrogen, including hydrogen compounds such as ammonia and liquid organic hydrogen carriers.	(67) In view of the potential of hydrogen as energy carrier and the possibility that Member States will engage in trade in hydrogen with third countries, it is necessary to clarify that intergovernmental agreements in the field of energy relating to gas subject to notification obligations in accordance with Decision (EU) 2017/684 include intergovernmental agreements relating to hydrogen, including hydrogen compounds such as ammonia and liquid organic hydrogen carriers.	(67) In view of the potential of hydrogen as energy carrier and the possibility that Member States will engage in trade in hydrogen with third countries, it is necessary to clarify that intergovernmental agreements in the field of energy relating to gas subject to notification obligations in accordance with Decision (EU) 2017/684 include intergovernmental agreements relating to hydrogen, including hydrogen compounds such as ammonia and liquid organic hydrogen carriers.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
77a			<p>(67a) Investments in major new infrastructure should be strongly promoted while ensuring the proper functioning of the internal market of gases in natural gas. In order to enhance the positive effect of exempted infrastructure projects on competition and security of supply, market interest during the project planning phase should be tested and congestion management rules should be implemented. Where an infrastructure is located in the territory of more than one Member State, ACER should handle as a last resort the exemption request in order to take better account of its cross-border implications and to facilitate its administrative handling. Moreover, given the exceptional risk profile of constructing those exempted major infrastructure projects, it should be possible temporarily to grant partial or full derogations to undertakings with supply and production interests in respect of the unbundling rules for the projects concerned. The possibility of temporary derogations should apply, for security of supply reasons, in particular, to new pipelines within the Union transporting gas from third countries into the Union. Exemptions and derogations granted under Directives 2003/55/</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 67a				

Agence Europe

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
77b		<p><u><i>(67a) The current empowerments vested on ACER by Regulation (EU) No 1227/2011 of the European Parliament and of the Council¹ and Commission Implementing Regulation (EU) No 1348/2014² (together referred to as 'REMIT') do not suffice to create a complete and comprehensive dataset of all LNG deliveries into the Union. However, such a comprehensive and complete dataset for daily LNG price assessment is necessary for the Union to manage, in a spirit of solidarity, its procurement policies for international LNG imports, in particular during the on-going crisis situation. Relevant data and information on LNG contracts are also necessary to ensure monitoring of price developments as well as perform data quality control and quality assurance. Although the crisis situation resulting from the Russian Federation's unprovoked and unjustified military aggression against Ukraine required urgent action, including the conferral of additional powers and tasks to ACER under Council Regulation (EU) 2022/2576³, the establishment of a daily LNG price assessment and LNG benchmark on a permanent basis should be included.</i></u></p> <p><u><i>1. Regulation (EU) No 1227/2011 of the</i></u></p>		

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Recital 68				

Agence Europe

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
78	<p>(68) In reaction to the significant and EU-wide energy price increases evidenced in autumn 2021 and their negative impacts, the Communication of the Commission of 13 October 2021 entitled ‘Tackling rising energy prices: a toolbox for action and support’ highlighted the importance of an effective and well-functioning internal energy market and of the effective use of gas storages in Europe across the Single market. The Communication also emphasised that a better coordination of security of supply across borders is crucial for the resilience against future shocks. On 20/21 October 2021, the European Council adopted conclusions inviting the Commission to swiftly consider measures that increase the resilience of the EU’s energy system and the internal energy market, including measures which enhance security of supply. To contribute to a consistent and timely response to this crisis and possible new crisis at Union level, specific rules to improve cooperation and resilience, notably concerning better-coordinated storage and solidarity rules, should be introduced in this Regulation and in Regulation (EU) 2017/1938.</p>	<p>(68) In reaction to the significant and EU-wide<i>Union-wide</i> energy price increases evidenced in autumn 2021 and their negative impacts, the communication of the Commission of 13 October 2021 entitled ‘Tackling rising energy prices: a toolbox for action and support’ highlighted the importance of an effective and well-functioning internal energy market and of the effective use of gas storages in Europe across the Single market. The<i>That</i> communication also emphasised that a better coordination of security of supply across borders is crucial for the resilience against future shocks. On 20/21 October 2021, the European Council adopted conclusions inviting the Commission to swiftly consider measures that increase the resilience of the EU<i>Union</i>’s energy system and the internal energy market, including measures which enhance security of supply. <i>In response to Russia’s invasion of Ukraine, the Commission presented the REPowerEU Plan on 8 March 2022 in order to phase out Union’s dependency on Russian fossil fuels and to accelerate the clean energy transition.</i> To contribute to a consistent and timely response to this crisis and possible new crisis at Union level, specific rules to improve cooperation and resilience, notably<i>in particular</i> concerning</p>	<p>(68) In reaction to the significant and EU-wide energy price increases evidenced in autumn 2021 and their negative impacts, the Communication of the Commission of 13 October 2021 entitled ‘Tackling rising energy prices: a toolbox for action and support’ highlighted the importance of an effective and well-functioning internal energy market and of the effective use of gas storages in Europe across the Single market. The Communication also emphasised that a better coordination of security of supply across borders is crucial for the resilience against future shocks. On 20/21 October 2021, the European Council adopted conclusions inviting the Commission to swiftly consider measures that increase the resilience of the EU’s energy system and the internal energy market, including measures which enhance security of supply. To contribute to a consistent and timely response to this crisis and possible new crisis at Union level, specific rules to improve cooperation and resilience, notably concerning better-coordinated storage and solidarity rules, should be introduced in this Regulation and in Regulation (EU) 2017/1938.</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 69				

Agence Europe

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
79	<p>(69) The analysis of the functioning of the storage capacities in the regional common risk assessments should be based on objective assessments of the needs for the security of supply, duly taking into account cross-border cooperation and the solidarity obligations under this Regulation. It should also take into account the importance of avoiding stranded assets in the clean energy transition and the goal of reducing the dependency of the Union to external fossil fuels providers. The analysis should include an assessment of the risks linked to the control of storage infrastructure by third country entities. The analysis should take into account the possibility to use storage facilities in other Member States and for transmission system operators to set up joint procurement of strategic stocks for emergency situations provided that the conditions of this Regulation are respected. The regional common risk assessments and national risk assessments should be consistent with each other in order to identify the measures of the national preventive and emergency plans in compliance with this Regulation ensuring that any measures taken do not harm the security of supply of other Member States and do not unduly hinder the effective functioning of the gas market. For</p>	<p>(69) The analysis of the functioning of the storage capacities in the regional common risk assessments should be based on objective assessments of the needs for the security of supply, duly taking into account cross-border cooperation and the solidarity obligations under this Regulation. It should also take into account the <u>full potential of the energy efficiency policies and energy savings and</u> importance of avoiding stranded assets in the clean energy transition and the goal of reducing the dependency of the Union to external fossil fuels providers. The analysis should include an assessment of the risks linked to the <u>direct or indirect ownership or</u> control of storage infrastructure by third country entities. The analysis should take into account the possibility to use storage facilities in other Member States and for transmission system operators to set up joint procurement of <u>strategic stocks for emergency situations</u> provided that the conditions of this Regulation are respected. The regional common risk assessments and national risk assessments should be consistent with each other in order to identify the measures of the national preventive and emergency plans in compliance with this Regulation ensuring that any measures taken do not harm the security of supply of</p>	<p>(69) The analysis of the functioning of the storage capacities in the regional common risk assessments should be based on objective assessments of the needs for the security of supply, duly taking into account cross-border cooperation and the solidarity obligations under this Regulation. It should also take into account the importance of avoiding stranded assets in the clean energy transition and the goal of reducing the dependency of the Union to external fossil fuels providers. The analysis should include an assessment of the risks linked to the control of storage infrastructure by third country entities. The analysis should take into account the possibility to use storage facilities in other Member States and for transmission system operators to set up joint procurement of strategic stocks for emergency situations provided that the conditions of this Regulation are respected. The regional common risk assessments and national risk assessments should be consistent with each other in order to identify the measures of the national preventive and emergency plans in compliance with this Regulation ensuring that any measures taken do not harm the security of supply of other Member States and do not unduly hinder the effective functioning of the gas market. For</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 70				
80	<p>(70) Cooperation of Member States with the Contracting Parties to the Treaty establishing the Energy Community¹ that have large available storage capacities could support actions where storage in the Union is not feasible or cost effective. This can include the possibility to consider to use these storage capacities located outside the Union in the relevant common risk assessment. Member States may request the relevant regional risk groups to invite experts from the third country to ad-hoc sessions of the regional risk groups without creating a precedent of regular and full participation.</p> <p>¹ OJ L 198, 20.7.2006, p. 18</p>	<p>(70) Cooperation of Member States with the Contracting Parties to the Treaty establishing the Energy Community¹ that have large available storage capacities could support actions where storage in the Union is not feasible or cost effective. This can include the possibility to consider to use these storage capacities located outside the Union in the relevant common risk assessment. Member States may request the relevant regional risk groups to invite experts from the third country to ad-hoc sessions of the regional risk groups without creating a precedent of regular and full participation.</p> <p>¹ OJ L 198, 20.7.2006, p. 18</p>	<p>(70) Cooperation of Member States with the Contracting Parties to the Treaty establishing the Energy Community¹ that have large available storage capacities could support actions where storage in the Union is not feasible or cost effective. This can include the possibility to consider to use these storage capacities located outside the Union in the relevant common risk assessment. Member States may request the relevant regional risk groups to invite experts from the third country to ad-hoc sessions of the regional risk groups without creating a precedent of regular and full participation.</p> <p>¹ OJ L 198, 20.7.2006, p. 18</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
80a			<p>(70a) The escalation of the Russian military aggression against Ukraine since February 2022 has led to declining gas supplies from that country. Notably, pipeline flows of gas from Russia through Belarus and the Nord Stream 1 pipeline have stopped and gas supplies through Ukraine have steadily decreased, seriously jeopardising the security of energy supply in the Union as a whole. Those weaponised reductions of natural gas supplies and manipulation of the markets through intentional disruptions of gas flows have laid bare vulnerabilities and dependencies in the Union and its Member States with the clear potential of a direct and serious impact on their essential international security interests. Past evidence has also shown that gas may be used to weaponise and manipulate energy markets, for instance by hoarding capacities in gas infrastructure, to the detriment of the Union’s essential international security interests. In order to mitigate the impact of such events, both in the current context and for the future, Member States should exceptionally be able to take proportionate measures to limit temporarily up-front bidding for capacity by any single network user at entry points and at LNG</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 71				
81	<p>(71) Joint procurement of strategic stocks by several transmission operators of different Member States should be designed in a way so that they can be used in case of Union wide or regional emergency as part of the actions coordinated by the Commission pursuant to Article 12(3) of Regulation (EU) 2017/1938. Transmission system operators which engage in joint procurement of strategic stocks shall ensure that any joint purchasing agreement complies with the EU competition rules, and in particular with the requirements of Article 101 TFEU. The notification done to assess the compliance with this Regulation is without prejudice to the notification of aids granted by States, where applicable, under Article 108(3) TFEU.</p>	<p>(71) Joint procurement of <i>strategic stocks</i>gas by several transmission operators of different Member States <u>or other undertakings designated by the Member States</u> should be designed in a way so that they<i>it</i> can be used in <u>the</u> case of Union-wide or regional emergency as part of the actions coordinated by the Commission pursuant to Article 12(3) of Regulation (EU) 2017/1938. Transmission system operators <u>or other undertakings designated by the Member States</u> which engage in joint procurement of strategic stocks shall<i>gas should</i> ensure that any joint purchasing agreement complies with the EU<i>Union</i> competition rules, and in particular with the requirements of Article 101 TFEU. The notification done<i>effected</i> to assess the compliance <u>of the envisaged voluntary mechanism for the joint procurement of gas</u> with this Regulation is without prejudice to the notification of aids granted by States, where applicable, under Article 108(3) TFEU.</p>	<p>(71) Joint procurement of strategic stocks by several transmission operators of different Member States should be designed in a way so that they can be used in case of Union wide or regional emergency as part of the actions coordinated by the Commission pursuant to Article 12(3) of Regulation (EU) 2017/1938. Transmission system operators which engage in joint procurement of strategic stocks shall ensure that any joint purchasing agreement complies with the EU competition rules, and in particular with the requirements of Article 101 TFEU. The notification done to assess the compliance with this Regulation is without prejudice to the notification of aids granted by States, where applicable, under Article 108(3) TFEU.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
81a		<p><u><i>(71a) Trading venues offering energy-related commodity derivatives often admit for participation various energy firms from all Member States. Such energy firms rely heavily on derivatives traded on such trading venues to ensure crucial supplies of gas and electricity across the Union. Excessive price movements occurring on energy-related commodity derivatives trading venues therefore affect the operation of energy firms across the whole Union, ultimately also adversely affecting end-consumers. Therefore, in a spirit of solidarity between Member States, coordination of the implementation and application of the intra-day volatility management mechanism should be undertaken, to ensure that operators essential for the security of the energy supply in all Member States benefit from safeguards against large price movements that are detrimental to the continued operation of their business, which would also be detrimental to the end-consumers.</i></u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
81b		<p><u><i>(71b) The intra-day volatility management mechanism should ensure that excessive movements in prices within a trading day are prevented. The mechanism should be based on the observed market price at regular intervals. Given the wide diversity of instruments in energy derivatives markets and the peculiarities of the trading venues associated with such instruments, the intra-day volatility management mechanisms should be adapted to the specificities of those instruments and markets. Therefore, price limits should be set up by trading venues taking into account the specificities of each relevant energy-related commodity derivative, the liquidity profile of the market for such derivative and its volatility profile.</i></u></p>		
Recital 72				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
82	<p>(72) The European energy sector is undergoing an important change towards a decarbonised economy, while ensuring security of supply and competitiveness. While cybersecurity in the electricity sub-sector is already advancing with a network code on cross-border electricity flow, sector-specific mandatory rules for the gas sub-sector are needed to ensure security of the European energy system.</p>	<p>(72) The European energy sector is undergoing an important change towards a <u>highly efficient</u> decarbonised economy <u>based on renewable energy sources</u>, while ensuring security of supply and competitiveness. While cybersecurity in the electricity sub-sector is already advancing with a network code on cross-border electricity flow, sector-specific mandatory rules for the gas sub-sector are needed to ensure security of the European energy system.</p>	<p>(72) The European energy sector is undergoing an important change towards a decarbonised economy, while ensuring security of supply and competitiveness. While cybersecurity in the electricity sub-sector is already advancing with a network code on cross-border electricity flow, sector-specific mandatory rules for the gas sub-sector which are in line with the general cybersecurity framework created by the Directive on security of network and information systems (NIS 2.0) are needed to ensure security of the European energy system. Directive (EU) 2022/2555 of the European Parliament and of the Council lays down measures to achieve a high common level of cybersecurity across the Union, while specific rules on cybersecurity need to be developed through a delegated act as laid down in this Regulation. This delegated act should complement Directive (EU) 2022/2555 by ensuring a continuous and comprehensive approach to carry out all sector specific steps from the risk assessment to the risk treatment and defining clear roles and instructions to carry out such steps by different stakeholders and authorities in the gas and hydrogen sector. The delegated act should define sector-specific rules</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 73				
83	(73) As demonstrated in the Union wide simulation of 2017 and 2021, regional cooperation and solidarity measures are essential to ensure the resilience of the Union in case of serious deterioration of the supply situation. Solidarity measures should ensure the supply of protected solidarity customers such as households across borders in all situations. Member States should adopt the necessary measures for the implementation of the provisions concerning the solidarity mechanism, including by the Member States concerned agreeing on technical, legal and financial arrangements. Member States should describe the details of those arrangements in their emergency plans. For Member States who have not agreed the necessary bilateral agreement, the default template of this Regulation should apply in order to ensure such effective solidarity.	(73) As demonstrated in the Union wide simulation of 2017 and 2021, regional cooperation and solidarity measures are essential to ensure the resilience of the Union in case of serious deterioration of the supply situation. Solidarity measures should ensure the supply of protected solidarity customers such as households across borders in all situations. Member States should adopt the necessary measures for the implementation of the provisions concerning the solidarity mechanism, including by the Member States concerned agreeing on technical, legal and financial arrangements. Member States should describe the details of those arrangements in their emergency plans. For Member States who have not agreed the necessary bilateral agreement, the default template of this Regulation should apply in order to ensure such effective solidarity.	(73) As demonstrated in the Union wide simulation of 2017, 2021 and 2022 and 2021, regional cooperation and solidarity measures are essential to ensure the resilience of the Union in case of serious deterioration of the supply situation. Solidarity measures should ensure the supply of protected solidarity customers such as households across borders in all situations. Member States should adopt the necessary measures for the implementation of the provisions concerning the solidarity mechanism, including by the Member States concerned agreeing on technical, legal and financial arrangements. Member States should describe the details of those arrangements in their emergency plans. For Member States who have not agreed the necessary bilateral agreement, the default template of this Regulation should apply in order to ensure such effective solidarity.	
Recital 74				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
84	(74) Such measures may therefore give rise to an obligation for a Member State to pay compensation to those affected by its measures. To ensure that the compensation paid by the Member State requesting solidarity to the Member State providing solidarity is fair and reasonable, the national energy regulator authority for energy or the national competition authority should have, as independent authority, the power to audit the amount of compensation requested and paid and if necessary request a rectification.	(74) Such measures may therefore give rise to an obligation for a Member State to pay compensation to those affected by its measures. To ensure that the compensation paid by the Member State requesting solidarity to the Member State providing solidarity is fair and reasonable, the national energy regulator authority for energy or the national competition authority should have, as independent authority, the power to audit the amount of compensation requested and paid and if necessary request a rectification.	(74) Such measures may therefore give rise to an obligation for a Member State to pay compensation to those affected by its measures. To ensure that the compensation paid by the Member State requesting solidarity to the Member State providing solidarity is fair and reasonable, the national energy regulator authority for energy or the national competition authority should have, as independent authority, the power to audit the amount of compensation requested and paid and if necessary request a rectification.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
84a		<p><u><i>(74a) It is important for the Commission and the Member States to have a clear picture of intended and concluded gas supply contracts across the Union, in order to assess whether the objectives of security of supply and energy solidarity are met. Therefore, undertakings or authorities of Member States should inform the Commission and the Member States in which those undertakings are established of large planned gas purchases above 5 TWh/year. This should in particular apply to basic information regarding new or renewed contracts. The Commission should be allowed to issue recommendations to the natural gas undertakings or authorities of the relevant Member States, in particular where further coordination could improve the functioning of joint purchasing or where the launch of a tender for the purchase of gas or planned gas purchases may have a negative impact on security of supply, the internal market or energy solidarity. The issuing of a recommendation should not prevent natural gas undertakings or authorities of the relevant Member States from proceeding with the negotiations in the meantime.</i></u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement

Agence Europe

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
84b		<p><i><u>(74b) 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 ensured without addressing missing links, in particular taking into account the Union's aim to end dependence on a single supplier, it is encouraged to mandate the ENTSOG to carry out a transparent and in-depth analysis of the identified risks to the security of supply and of possible solutions to address it. On the basis of 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 risks to the security of supply. The Commission may also identify means 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 future-proof and compatible with the Union objectives of climate neutrality laid down in Regulation (EU) 2021/1119 and does not lead to stranded</u></i></p>		

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the internal markets for renewable and natural gases and for hydrogen (recast) 2021/0424(COD)

17-07-2023 at 09h19 86/234

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 75				
85	(75) Since the objective of this Regulation, namely the setting of fair rules for access conditions to natural gas transmission networks, storage and LNG facilities, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of such an action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	(75) Since the objective of this Regulation, namely the setting of fair rules for access conditions to natural gas transmission networks, storage and LNG facilities, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of such an action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	(75) Since the objective of this Regulation, namely the setting of fair rules for access conditions to natural gas transmission networks, storage and LNG facilities, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of such an action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.	this is only a technical change from the EP (for LL). the text is the same. can be considered as green.
Formula				
86	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	
Chapter I				
87	Chapter I Subject matter, scope and definitions	Chapter I Subject matter, scope and definitions	Chapter I Subject matter, scope and definitions	
Article 1				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
88	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope	
Article 1, first paragraph				
89	This Regulation:	This Regulation:	This Regulation:	
Article 1, first paragraph, point (a)				
90	(a) sets non-discriminatory rules for access conditions to natural gas and hydrogen systems taking into account the special characteristics of national and regional markets with a view to ensuring the proper functioning of the internal market in gases; and	(a) sets non-discriminatory rules for access conditions to natural gas and hydrogen systems taking into account the special characteristics of national and regional markets with a view to ensuring the proper functioning of the internal market in gases; and <u>gas as well as to contribute to the long-term flexibility of the electricity system;</u>	(a) sets non-discriminatory rules for access conditions to natural gas and hydrogen systems taking into account the special characteristics of national and regional markets with a view to ensuring the proper functioning of the internal market in gases ; and	(a) sets non-discriminatory rules for access conditions to natural gas and hydrogen systems taking into account the special characteristics of national and regional markets with a view to ensuring the proper functioning of the internal market in gases <u>as well as to contribute to the long-term flexibility of the energy system; and</u> ; and technical meeting 20.06 Text Origin: EP Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
90a		<i><u>(aa) encourages preventive measures reducing fossil gas demand through the implementation of the energy efficiency first principle leading to energy savings, increased direct electrification as part of a fully integrated energy system, and increased use of renewable sources of energy, and contributes to the prudent and rational use of natural resources and the achievement of the Union's climate and energy targets; and</u></i>		
Article 1, first paragraph, point (b)				
91	(b) facilitates the emergence of a well-functioning and transparent wholesale market with a high level of security of supply in gases and provides mechanisms to harmonise the network access rules for cross-border exchanges in gases.	(b) facilitates the emergence of a well-functioning and transparent wholesale market with a high level of security of supply in gases gas and provides mechanisms to harmonise the network access rules for cross-border exchanges in gases gas.	(b) facilitates the emergence and operation of a well-functioning and transparent wholesale market in gases with a high level of security of supply in gases and provides mechanisms to harmonise the network access rules for cross-border exchanges in gases .	(b) facilitates the emergence <u>and operation</u> of a well-functioning and transparent wholesale market <u>in gases</u> with a high level of security of supply in gases and provides mechanisms to harmonise the network access rules for cross-border exchanges in gases. technical meeting 20.06 Text Origin: Council Mandate
Article 1, second paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
92	The objectives referred to in the first subparagraph shall include the setting of harmonised principles for tariffs, or the methodologies underlying their calculation, for access to the natural gas network, but not to storage facilities, the establishment of third-party access services and harmonised principles for capacity-allocation and congestion-management, the determination of transparency requirements, balancing rules and imbalance charges, and the facilitation of capacity trading.	The objectives referred to in the first subparagraph shall include the setting of harmonised principles for tariffs, or the methodologies underlying their calculation, for access to the natural gas network, but not to storage facilities, the establishment of third-party access services and harmonised principles for capacity-allocation and congestion-management, the determination of transparency requirements, balancing rules and imbalance charges, and the facilitation of capacity trading.	The objectives referred to in the first subparagraph shall include the setting of harmonised principles for tariffs, or the methodologies underlying their calculation, for access to the natural gas network, but not to storage facilities, the establishment of third-party access services and harmonised principles for capacity-allocation and congestion-management, the determination of transparency requirements, balancing rules and imbalance charges, and the facilitation of capacity trading.	
Article 1, third paragraph				
93	This Regulation, with the exception of Article 31(5), shall apply only to natural gas and hydrogen storage facilities falling under Article 29(3) or (4) of recast Gas Directive as proposed in COM(2021) xxx.	This Regulation, with the exception of Article 31(5), shall apply only to natural gas and hydrogen storage facilities falling under Article 29(3) or (4) of recast Gas Directive as proposed in COM(2021) xxx.	This Regulation, with the exception of Article 31(5), shall apply only to natural gas and hydrogen storage facilities falling under Article 29(3) or (4) of recast Gas Directive as proposed in COM(2021) xxx.	
Article 1, fourth paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
94	The Member States may establish an entity or body set up in compliance with Recast Gas Directive as presented in COM xxx for the purpose of carrying out one or more functions typically attributed to the transmission system operator or hydrogen network operator, which shall be subject to the requirements of this Regulation. That entity or body shall be subject to certification in accordance with Article 13 of this Regulation and shall be subject to designation in accordance with Article 65 of recast Gas Directive as proposed in COM(2021) xxx.	The Member States may establish an entity or body set up in compliance with Recast Gas Directive as presented in COM xxx for the purpose of carrying out one or more functions typically attributed to the transmission system operator or hydrogen network operator, which shall be subject to the requirements of this Regulation. That entity or body shall be subject to certification in accordance with Article 13 of this Regulation and shall be subject to designation in accordance with Article 65 of recast Gas Directive as proposed in COM(2021) xxx.	The Member States may establish an entity or body set up in compliance with Recast Gas Directive as presented in COM xxx for the purpose of carrying out one or more functions typically attributed to the transmission system operator or hydrogen network operator, which shall be subject to the requirements of this Regulation. That entity or body shall be subject to certification in accordance with Article 13 of this Regulation and shall be subject to designation in accordance with Article 65 of recast Gas Directive as proposed in COM(2021) xxx.	
Article 2				
95	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	
Article 2(1)				
96	1. For the purpose of this Regulation, the following definitions apply:	1. For the purpose of this Regulation, the following definitions apply:	1. For the purpose of this Regulation, the following definitions apply:	
Article 2(1), point (1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
97	(1) ‘regulatory asset base’ means all network assets of a network operator used for the provision of regulated network services that are taken into account when calculating network related services revenue.	(1) ‘regulatory asset base’ means all network assets of a network operator used for the provision of regulated network services that are taken into account when calculating network related services revenue.	(1) ‘regulatory asset base’ means all network assets of a transmission system operator, distribution system operator and hydrogen network operator used for the provision of regulated network services that are taken into account when calculating network related services revenue.	
Article 2(1), point (2)				
98	(2) ‘transmission’ means the transport of natural gas through a network, which mainly contains high-pressure pipelines, other than an upstream pipeline network and other than the part of high-pressure pipelines primarily used in the context of local distribution of natural gas, with a view to its delivery to customers, but not including supply;	(2) ‘transmission’ means the transport of natural gas through a network, which mainly contains high-pressure pipelines, other than an upstream pipeline network and other than the part of high-pressure pipelines primarily used in the context of local distribution of natural gas, with a view to its delivery to customers, but not including supply <u>transmission as defined in Article 2, point (16) of [the recast Gas Directive, COD 2021/0425]</u> ;	(2) ‘transmission’ means the transport of natural gas through a network, which mainly contains high-pressure pipelines, other than an upstream pipeline network and other than the part of high-pressure pipelines primarily used in the context of local distribution of natural gas, with a view to its delivery to customers, but not including supply;	
Article 2(1), point (3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
99	(3) ‘transport contract’ means a contract which the transmission system operator or hydrogen network operator has concluded with a network user with a view to carrying out transport services for gases;	(3) ‘transport contract’ means a contract which the transmission system operator or hydrogen network operator has concluded with a network user with a view to carrying out transport services for gases gas ;	(3) ‘transport contract’ means a contract which the transmission system operator or hydrogen network operator has concluded with a network user with a view to carrying out transport services for gases ;	
Article 2(1), point (4)				
100	(4) ‘capacity’ means the maximum flow, expressed in normal cubic meters per time unit or in energy unit per time unit, to which the network user is entitled in accordance with the provisions of the transport contract;	(4) ‘capacity’ means the maximum flow, expressed in normal cubic meters per time unit or in energy unit per time unit, to which the network user is entitled in accordance with the provisions of the transport contract;	(4) ‘capacity’ means the maximum flow, expressed in normal cubic meters per time unit or in energy unit per time unit, to which the network user is entitled in accordance with the provisions of the transport contract;	
Article 2(1), point (5)				
101	(5) ‘unused capacity’ means firm capacity which a network user has acquired under a transport contract but which that user has not nominated by the deadline specified in the contract;	(5) ‘unused capacity’ means firm capacity which a network user has acquired under a transport contract but which that user has not nominated by the deadline specified in the contract;	(5) ‘unused capacity’ means firm capacity which a network user has acquired under a transport contract but which that user has not nominated by the deadline specified in the contract;	
Article 2(1), point (6)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	102 (6) ‘congestion management’ means management of the capacity portfolio of the transmission system operator with a view to optimal and maximum use of the technical capacity and the timely detection of future congestion and saturation points;	(6) ‘congestion management’ means management of the capacity portfolio of the transmission system operator with a view to optimal and maximum use of the technical capacity and the timely detection of future congestion and saturation points;	(6) ‘congestion management’ means management of the capacity portfolio of the transmission system operator with a view to optimal and maximum use of the technical capacity and the timely detection of future congestion and saturation points;	
Article 2(1), point (7)				
G	103 (7) ‘secondary market’ means the market of the capacity traded otherwise than on the primary market;	(7) ‘secondary market’ means the market of the capacity traded otherwise than on the primary market;	(7) ‘secondary market’ means the market of the capacity traded otherwise than on the primary market;	
Article 2(1), point (8)				
G	104 (8) ‘nomination’ means the prior reporting by the network user to the transmission system operator of the actual flow that the network user wishes to inject into or withdraw from the system;	(8) ‘nomination’ means the prior reporting by the network user to the transmission system operator of the actual flow that the network user wishes to inject into or withdraw from the system;	(8) ‘nomination’ means the prior reporting by the network user to the transmission system operator of the actual flow that the network user wishes to inject into or withdraw from the system;	
Article 2(1), point (9)				
	105 (9) ‘re-nomination’ means the subsequent reporting of a corrected nomination;	<i>deleted</i>	(9) ‘re-nomination’ means the subsequent reporting of a corrected nomination;	
Article 2(1), point (10)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
106	(10) ‘system integrity’ means any situation in which the pressure and the quality of the natural gas or hydrogen remain within the minimum and maximum limits, so that the transport of natural gas or hydrogen is guaranteed from a technical standpoint;	(10) ‘system integrity’ means any situation in which the pressure and the quality of the natural gas or hydrogen remain within the minimum and maximum limits, so that the transport of natural gas or hydrogen is guaranteed from a technical standpoint;	(10) ‘system integrity’ means any situation in which the pressure and the quality of the natural gas or hydrogen remain within the minimum and maximum limits, so that the transport of natural gas or hydrogen is guaranteed from a technical standpoint;	
Article 2(1), point (11)				
107	(11) ‘balancing period’ means the period within which the off-take of an amount of gases, expressed in units of energy, must be offset by every network user by means of the injection of the same amount of gases in accordance with the network code;	(11) ‘balancing period’ means the period within which the off-take of an amount of <i>gasesgas</i> , expressed in units of energy, must be offset by every network user by means of the injection of the same amount of <i>gasesgas</i> in accordance with the network code;	(11) ‘balancing period’ means the period within which the off-take of an amount of gases, expressed in units of energy, must be offset by every network user by means of the injection of the same amount of gases in accordance with the network code;	
Article 2(1), point (12)				
108	(12) ‘network user’ means a customer or a potential customer of a system operator, and system operators themselves in so far as it is necessary for them to carry out their functions in relation to transport of natural gas and hydrogen;	(12) ‘network user’ means a customer or a potential customer of a <i>transmission</i> system <i>operator or hydrogen network</i> operator, and <i>transmission</i> system <i>operators or hydrogen network</i> operators themselves in so far as it is necessary for them to carry out their functions in relation to transport of natural gas and hydrogen;	(12) ‘network user’ means a customer or a potential customer of a system operator, and system operators themselves in so far as it is necessary for them to carry out their functions in relation to transport of natural gas and hydrogen ;	
Article 2(1), point (13)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	109	(13) ‘interruptible services’ means services offered by the transmission system operator or hydrogen network operator in relation to interruptible capacity;	(13) ‘interruptible services’ means services offered by the transmission system operator or hydrogen network operator in relation to interruptible capacity;	(13) ‘interruptible services’ means services offered by the transmission system operator or hydrogen network operator in relation to interruptible capacity;	G
Article 2(1), point (14)					
G	110	(14) ‘interruptible capacity’ means gas transmission capacity that may be interrupted by the transmission system operator or hydrogen network operator in accordance with the conditions stipulated in the transport contract;	(14) ‘interruptible capacity’ means gas transmission capacity that may be interrupted by the transmission system operator or hydrogen network operator in accordance with the conditions stipulated in the transport contract;	(14) ‘interruptible capacity’ means gas transmission capacity that may be interrupted by the transmission system operator or hydrogen network operator in accordance with the conditions stipulated in the transport contract;	G
Article 2(1), point (15)					
G	111	(15) ‘long-term services’ means services offered by the transmission system operator or hydrogen network operator with a duration of one year or more;	(15) ‘long-term services’ means services offered by the transmission system operator or hydrogen network operator with a duration of one year or more;	(15) ‘long-term services’ means services offered by the transmission system operator or hydrogen network operator with a duration of one year or more;	G
Article 2(1), point (16)					
G	112	(16) ‘short-term services’ means services offered by the transmission system operator or hydrogen network operator with a duration of less than one year;	(16) ‘short-term services’ means services offered by the transmission system operator or hydrogen network operator with a duration of less than one year;	(16) ‘short-term services’ means services offered by the transmission system operator or hydrogen network operator with a duration of less than one year;	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2(1), point (17)				
113	(17) ‘firm capacity’ means gas transmission capacity contractually guaranteed as uninterruptible by the transmission system operator or hydrogen network operator;	(17) ‘firm capacity’ means gas transmission capacity contractually guaranteed as uninterruptible by the transmission system operator or hydrogen network operator;	(17) ‘firm capacity’ means gas transmission, distribution and hydrogen transport capacity contractually guaranteed as uninterruptible by the transmission or distribution system operator or hydrogen network operator;	(17) ‘firm capacity’ means gas transmission, <u>distribution and hydrogen transport</u> capacity contractually guaranteed as uninterruptible by the transmission <u>or distribution</u> system operator or hydrogen network operator; 20.06 technical meeting Text Origin: Council Mandate
Article 2(1), point (18)				
114	(18) ‘firm services’ mean services offered by the transmission system operator or hydrogen network operator in relation to firm capacity;	(18) ‘firm services’ mean services offered by the transmission system operator or hydrogen network operator in relation to firm capacity;	(18) ‘firm services’ mean services offered by the transmission system operator or hydrogen network operator in relation to firm capacity;	
Article 2(1), point (19)				
115	(19) ‘technical capacity’ means the maximum firm capacity that can be offered to the network users, taking account of system integrity and the operational requirements of the transmission system or hydrogen network;	(19) ‘technical capacity’ means the maximum firm capacity that can be offered to the network users, taking account of system integrity and the operational requirements of the transmission system or hydrogen network;	(19) ‘technical capacity’ means the maximum firm capacity that can be offered to the network users, taking account of system integrity and the operational requirements of the transmission system or hydrogen network;	
Article 2(1), point (20)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	116 (20) ‘contracted capacity’ means capacity that r has been allocated to a network user by means of a transport contract;	(20) ‘contracted capacity’ means capacity that r has been allocated to a network user by means of a transport contract;	(20) ‘contracted capacity’ means capacity that r has been allocated to a network user by means of a transport contract;	
Article 2(1), point (21)				
G	117 (21) ‘available capacity’ means the part of the technical capacity that is not allocated and is still available to the system at that moment;	(21) ‘available capacity’ means the part of the technical capacity that is not allocated and is still available to the system at that moment;	(21) ‘available capacity’ means the part of the technical capacity that is not allocated and is still available to the system at that moment;	
Article 2(1), point (22)				
G	118 (22) ‘contractual congestion’ means a situation where the level of firm capacity demand exceeds the technical capacity;	(22) ‘contractual congestion’ means a situation where the level of firm capacity demand exceeds the technical capacity;	(22) ‘contractual congestion’ means a situation where the level of firm capacity demand exceeds the technical capacity;	
Article 2(1), point (23)				
G	119 (23) ‘primary market’ means the market of the capacity traded directly by the transmission system operator or hydrogen network operator;	(23) ‘primary market’ means the market of the capacity traded directly by the transmission system operator or hydrogen network operator;	(23) ‘primary market’ means the market of the capacity traded directly by the transmission system operator or hydrogen network operator;	
Article 2(1), point (24)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
120	(24) 'physical congestion' means a situation where the level of demand for actual deliveries exceeds the technical capacity at some point in time;	<i>deleted</i>	(24) 'physical congestion' means a situation where the level of demand for actual deliveries exceeds the technical capacity at some point in time;	(24) 'physical congestion' means a situation where the level of demand for actual deliveries exceeds the technical capacity at some point in time; 20.06 technical meeting Text Origin: Commission Proposal
Article 2(1), point (25)				
121	(25) 'LNG facility capacity' means capacity at a liquefied natural gas (LNG) terminal for the liquefaction of natural gas or the importation, offloading, ancillary services, temporary storage and re-gasification of LNG;	(25) 'LNG facility capacity' means capacity at a liquefied natural gas (LNG) terminal for the liquefaction of natural gas or the importation, offloading, ancillary services, temporary storage and re-gasification of LNG;	(25) 'LNG facility capacity' means capacity at a liquefied natural gas (LNG) terminal for the liquefaction of natural gas or the importation, offloading, ancillary services, temporary storage and re-gasification of LNG;	
Article 2(1), point (26)				
122	(26) 'space' means the volume of gas which a user of a storage facility is entitled to use for the storage of gas;	(26) 'space' means the volume of gas which a user of a storage facility is entitled to use for the storage of gas;	(26) 'space' means the volume of gasgases which a user of a storage facility is entitled to use for the storage of gasgases ;	
Article 2(1), point (27)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
123	(27) ‘deliverability’ means the rate at which the storage facility user is entitled to withdraw gas from the storage facility;	(27) ‘deliverability’ means the rate at which the storage facility user is entitled to withdraw gas from the storage facility;	(27) ‘deliverability’ means the rate at which the storage facility user is entitled to withdraw gas gases from the storage facility;	
Article 2(1), point (28)				
124	(28) ‘injectability’ means the rate at which the storage facility user is entitled to inject gas into the storage facility;	(28) ‘injectability’ means the rate at which the storage facility user is entitled to inject gas into the storage facility;	(28) ‘injectability’ means the rate at which the storage facility user is entitled to inject gas gases into the storage facility;	
Article 2(1), point (29)				
125	(29) ‘storage capacity’ means any combination of space, injectability and deliverability;;	(29) ‘storage capacity’ means any combination of space, injectability and deliverability;⸮	(29) ‘storage capacity’ means any combination of space, injectability and deliverability;;	
Article 2(1), point (30)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
126	(30) ‘entry-exit system’ means the aggregation of all transmission and distribution systems to which one specific balancing regime applies;	(30) ‘entry-exit system’ means the aggregation of all <u>an access model for natural gas</u> transmission and/or distribution systems to which one specific balancing regime applies <u>where system users book capacity rights independently on entry and exit points</u> ;	(30) ‘entry-exit system’ means an access model for natural gas where system users book capacity rights independently on entry- and exit points. The entry-exit system includes the aggregation of all transmission system and may include the and distribution systems to which one specific balancing regime applies; system or parts of a distribution system.	(30) ‘entry-exit system’ means <u>an access model for natural gas where system users book capacity rights independently on entry- and exit points. The entry-exit system includes the</u> the aggregation of all transmission <u>system and may include the</u> and distribution <u>systems to which one specific balancing regime applies; system or parts of a distribution system.</u> 20.06 technical meeting Text Origin: Council Mandate
Article 2(1), point (31)				
127	(31) ‘balancing zone’ means an entry-exit system to which a specific balancing regime is applicable;	(31) ‘balancing zone’ means an entry-exit system to which a specific balancing regime is applicable;	(31) ‘balancing zone’ means an entry-exit a system to which a specific balancing regime is applicable and which includes the transmission system and may include distribution systems or parts of such distribution systems;	(31) ‘balancing zone’ means an entry-exit <u>a</u> system to which a specific balancing regime is applicable <u>and which includes the transmission system and may include distribution systems or parts of such distribution systems;</u> 20.06 technical meeting Text Origin: Council Mandate
Article 2(1), point (32)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
128	(32) ‘virtual trading point’ means a non-physical commercial point within an entry-exit system where gases are exchanged between a seller and a buyer without the need to book transmission or distribution capacity;	(32) ‘virtual trading point’ means a non-physical commercial point within an entry-exit system where gases are <u>gas is</u> exchanged between a seller and a buyer without the need to book transmission or distribution capacity;	(32) ‘virtual trading point’ means a non-physical commercial point within an entry-exit system where gases are exchanged between a seller and a buyer without the need to book transmission or distribution capacity;	
Article 2(1), point (33)				
129	(33) ‘entry point’ means a point subject to booking procedures by network users or producers providing access to an entry-exit system;	(33) ‘entry point’ means a point subject to booking procedures by network users or producers providing access to an <u>entry-exit system, enabling gas flows in the</u> entry-exit system;	(33) ‘entry point’ means a point subject to booking procedures by network users or producers providing access to an entry-exit system;	
Article 2(1), point (34)				
130	(34) ‘exit point’ means a point subject to booking procedures by network users or final customers enabling gas flows out of the entry exit system;	(34) ‘exit point’ means a point subject to booking procedures by network users or final customers <u>providing access to an entry-exit system,</u> enabling gas flows out of the entry exit system;	(34) ‘exit point’ means a point subject to booking procedures by network users or final customers enabling gas flows out of the entry exit system;	
Article 2(1), point (35)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
131	(35) ‘conditional capacity’ means firm capacity that entails transparent and predefined conditions for either providing access from and to the virtual trading point or limited allocability;	(35) ‘conditional capacity’ means firm capacity that entails transparent and predefined conditions for either providing access from and to the virtual trading point or limited allocability;	(35) ‘conditional capacity’ means firm capacity that entails transparent and predefined conditions for either providing access from and to the virtual trading point or limited allocability;	
Article 2(1), point (36)				
132	(36) ‘allocability’ means the discretionary combination of any entry capacity with any exit capacity or vice versa;	(36) ‘allocability’ means the discretionary combination of any entry capacity with any exit capacity or vice versa;	(36) ‘allocability’ means the discretionary combination of any entry capacity with any exit capacity or vice versa;	
Article 2(1), point (37)				
133	(37) ‘allowed revenue’ means the sum of transmission services revenue and non-transmission services revenue for the provision of services by the transmission system operator for a specific time period within a given regulatory period which such transmission system operator is entitled to obtain under a non-price cap regime and which is set in accordance with Article 72(7), point a, of recast Gas Directive as proposed in COM(2021) xxx;	(37) ‘allowed revenue’ means the sum of transmission services revenue and non-transmission services revenue for the provision of services by the transmission system operator for a specific time period within a given regulatory period which such transmission system operator is entitled to obtain under a non-price cap regime and which is set in accordance with Article 72(7), point a, of recast Gas Directive as proposed in COM(2021) xxx;	(37) ‘allowed revenue’ means the sum of transmission services revenue and non-transmission services revenue for the provision of services by the transmission system operator for a specific time period within a given regulatory period which such transmission system operator is entitled to obtain under a non-price cap regime and which is set in accordance with Article 72(7), point a, of the recast Gas Directive as proposed in COM(2021) xxx COM (2021)] 803;;	(37) ‘allowed revenue’ means the sum of transmission services revenue and non-transmission services revenue for the provision of services by the transmission system operator for a specific time period within a given regulatory period which such transmission system operator is entitled to obtain under a non-price cap regime and which is set in accordance with Article 72(7), point a, of <u>the</u> recast Gas Directive as proposed in COM(2021) xxx COM (2021)] 803;; 20.06 technical meeting Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
133a			(37a) ‘target revenue’ means the sum of expected transmission services revenue calculated in accordance with the principles set out in Article 15(1) and expected non-transmission services revenue for the provision of services by the transmission system operator for a specific time period within a given regulatory period under a price cap regime;	
Article 2(1), point (38)				
134	(38) ‘new infrastructure’ means an infrastructure not completed by 4 August 2003.	(38) ‘new infrastructure’ means an infrastructure not completed by 4 August 2003 ... <u>[entry into force of this Regulation]</u> ;	(38) ‘new infrastructure’ means an infrastructure not completed by 4 August 2003.	
134a		<u>(38a) ‘natural gas’ means natural gas as defined in Article 2, point (1) of [the recast Gas Directive, COD 2021/0425]</u> ;		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
134b		<u>(38b) 'renewable gas' means renewable gas as defined in Article 2, point (2) of [the recast Gas Directive, COD 2021/0425]</u>		
134c		<u>(38c) 'gas' means gas as defined in Article 2, point (3) of [the recast Gas Directive, COD 2021/0425];</u>		
134d		<u>(38d) 'natural gas system' means natural gas system as defined in Article 2, point (4) of [the recast Gas Directive, COD 2021/0425];</u>		
134e		<u>(38e) 'hydrogen system' means hydrogen system as defined in Article 2, point (5) of [the recast Gas Directive, COD 2021/0425];</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
134f		<u><i>(38f) 'hydrogen storage facility' means a hydrogen facility as defined in Article 2, point (6) of [the recast Gas Directive, COD 2021/0425];</i></u>		
134g		<u><i>(38g) 'hydrogen storage operator' means a hydrogen storage operator as defined in Article 2, point (6a) of [the recast Gas Directive, COD 2021/0425];</i></u>		
134h		<u><i>(38h) 'hydrogen terminal' means hydrogen terminal as defined in Article 2, point (8) of [the recast Gas Directive, COD 2021/0425];</i></u>		
134i		<u><i>(38i) 'hydrogen terminal operator' means hydrogen terminal operator as defined in Article 2, point (8a) of [the recast Gas Directive, COD 2021/0425]</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
134j		<u>(38j) 'hydrogen quality' means hydrogen quality as defined in Article 2, point (9) of [the recast Gas Directive, COD 2021/0425];</u>		
134k		<u>(38k) 'low-carbon gas' means low-carbon gas as defined in Article 2, point (11) of [the recast Gas Directive, COD 2021/0425];</u>		
134l		<u>(38l) 'transmission system operator' means transmission system operator as defined in Article 2, point (17) of [the recast Gas Directive, COD 2021/0425];</u>		
134m		<u>(38m) 'distribution' means distribution as defined in Article 2, point (18) of [the recast Gas Directive, COD 2021/0425];</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
134n		<u><i>(38n) 'distribution system operator' means distribution system operator as defined in Article 2, point (19) of [the recast Gas Directive, COD 2021/0425];</i></u>		
134o		<u><i>(38o) 'hydrogen network' means hydrogen network as defined in Article 2, point (20) of [the recast Gas Directive, COD 2021/0425];</i></u>		
134p		<u><i>(38p) 'hydrogen transport' means hydrogen transport as defined in Article 2, point (21) of [the recast Gas Directive, COD 2021/0425];</i></u>		
134q		<u><i>(38q) 'hydrogen network operator' means hydrogen network operator as defined in Article 2, point (22) of [the recast Gas Directive, COD 2021/0425];</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
134r		<u><i>(38r) 'supply' means supply as defined in Article 2, point (23) of [the recast Gas Directive, COD 2021/0425];</i></u>		
134s		<u><i>(38s) 'storage facility' means storage facility as defined in Article 2, point (25) of [the recast Gas Directive, COD 2021/0425];</i></u>		
134t		<u><i>(38t) 'storage system operator' means storage system operator as defined in Article 2, point (26) of [the recast Gas Directive, COD 2021/0425];</i></u>		
134u		<u><i>(38u) 'LNG facility' means LNG facility as defined in Article 2, point (27) of [the recast Gas Directive, COD 2021/0425];</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
134v		<u><i>(38v) 'LNG system operator' means LNG system operator as defined in Article 2, point (28) of [the recast Gas Directive, COD 2021/0425];</i></u>		
134w		<u><i>(38w) 'system' means system as defined in Article 2, point (29) of [the recast Gas Directive, COD 2021/0425];</i></u>		
134x		<u><i>(38x) 'ancillary services' means ancillary services as defined in Article 2, point (30) of [the recast Gas Directive, COD 2021/0425];</i></u>		
134y		<u><i>(38y) 'interconnector' means interconnector as defined in Article 2, point (33) of [the recast Gas Directive, COD 2021/0425];</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
134z		<u>(38z) 'hydrogen interconnector' means hydrogen interconnector as defined in Article 2, point (34) of [the recast Gas Directive, COD 2021/0425];</u>		
134aa		<u>(38aa) 'system user' means system user as defined in Article 2, point (40) of [the recast Gas Directive, COD 2021/0425];</u>		
134ab		<u>(38ab) 'customer' means customer as defined in Article 2, point (41) of [the recast Gas Directive, COD 2021/0425];</u>		
134ac		<u>(38ac) 'final customer' means final customer as defined in Article 2, point (44) of [the recast Gas Directive, COD 2021/0425];</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
134ad		<u>(38ad) 'security' means security as defined in Article 2, point (48) of [the recast Gas Directive, COD 2021/0425];</u>		
134ae		<u>(38ae) 'control' means control as defined in Article 2, point (51) of [the recast Gas Directive, COD 2021/0425];</u>		
134af		<u>(38af) 'interconnection point' means interconnection point as defined in Article 2, point (58) of [the recast Gas Directive, COD 2021/0425];</u>		
134ag		<u>(38ag) 'virtual interconnection point' means virtual interconnection point as defined in Article 2, point (59) of [the recast Gas Directive, COD 2021/0425];</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
134ah		<u>(38ah) 'market participant' means market participant as defined in Article 2, point (60) of [the recast Gas Directive, COD 2021/0425];</u>		
134ai		<u>(38ai) 'interoperability' means interoperability as defined in Article 2, point (66) of [the recast Gas Directive, COD 2021/0425];</u>		
134aj		<u>(38aj) 'energy poverty' means energy poverty as defined in Article 2, point (69) of [the recast Gas Directive, COD 2021/0425];</u>		
134ak		<u>(38ak) 'energy efficiency first' means 'energy efficiency first' as defined in Article 2, point (18) of Regulation (EU) 2018/1999;</u>		
134al		<u>(38al) 'repurposing' means repurposing as defined in Article 2, point (18) of Regulation 2022/869.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2(2), first subparagraph				
135	2. Without prejudice to the definitions in paragraph 1, the definitions contained in Article 2 of recast Gas Directive as proposed in COM(2021) xxx, which are relevant for the application of this Regulation, also apply.	<i>deleted</i>	2. Without prejudice to the definitions in paragraph 1, the definitions contained in Article 2 of [recast Gas Directive as proposed in COM(2021) xxx], which are relevant for the application of this Regulation, shall also apply.	
Article 2(2), second subparagraph				
136	The definitions in points 4 to 24 of paragraph 1 in relation to transmission apply by analogy in relation to storage and LNG facilities.	The definitions in paragraph 1 , points 4 to 24 of paragraph 1 23 in relation to transmission apply by analogy in relation to storage and LNG facilities.	The definitions in points 4 to 24 of paragraph 1 in relation to transmission shall apply by analogy in relation to storage and LNG facilities.	
CHAPTER II				
137	CHAPTER II GENERAL RULES APPLICABLE TO THE NATURAL GAS AND HYDROGEN SYSTEMS	CHAPTER II GENERAL RULES APPLICABLE TO THE NATURAL GAS AND HYDROGEN SYSTEMS	CHAPTER II GENERAL RULES APPLICABLE TO THE NATURAL GAS AND HYDROGEN SYSTEMS	
Section 1				
138	Section 1 General rules for the organisation of the markets and infrastructure access	Section 1 General rules for the organisation of the markets and infrastructure access	Section 1 General rules for the organisation of the markets and infrastructure access	
Article 3				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
139	Article 3 General principles	Article 3 General principles	Article 3 General principles	
Article 3, first paragraph				
140	Member States, regulatory authorities, transmission system operators, distribution system operators, storage operators, LNG operators, hydrogen system operators, and delegated operators such as market area operators or booking platform operators shall ensure that gases markets are operated in accordance with the following principles:	Member States, regulatory authorities, transmission system operators, distribution system operators, storage operators, LNG operators, hydrogen system operators, and delegated operators such as market area operators or booking platform operators shall ensure that gasesgas markets are operated in accordance with the following principles:	Member States, regulatory authorities, transmission system operators, distribution, natural gas system operators, storage operators, LNG operators, and hydrogen system operators, and delegated operators such as market area operators operators managers or booking platform operators shall ensure that gases markets markets for gases are operated in accordance with the following principles:	
Article 3, first paragraph, point (a)				
141	(a) prices for gases shall be formed on the basis of demand and supply;	(a) prices for gasesgas shall be formed on the basis of demand and supply;	(a) prices for gases shall be formed on the basis of demand and supply;	
Article 3, first paragraph, point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
142	(b) transmission and distribution system operators shall cooperate with each other to provide network users with the freedom to book entry and exit capacity independently. Gas shall be transported through the entry-exit system instead of along contractual paths;	(b) transmission and distribution system operators shall cooperate with each other to provide network users with the freedom to book entry and exit capacity independently. Gas shall be transported through the entry-exit system instead of along contractual paths;	(b) transmission and distribution system operators shall cooperate with each other to provide network users with the freedom to book entry and exit capacity independently. Gas shall be transported through the entry-exit system instead of along contractual paths;	
Article 3, first paragraph, point (c)				
143	(c) tariffs charged at the entry and exit points shall be structured in such a way as to contribute to market integration, enhancing security of supply and promoting the interconnection between gas networks;	(c) tariffs charged at the entry and exit points shall be structured in such a way as to contribute to market integration, enhancing security of supply and promoting the interconnection between gas networks;	(c) tariffs charged at the entry and exit points shall be structured in such a way as to contribute to market integration, enhancing security of supply and promoting the interconnection between gas networks;	
Article 3, first paragraph, point (d)				
144	(d) undertakings active in the same entry-exit system shall exchange gas at the virtual trading point;	(d) undertakings active in the same entry-exit system shall exchange gas at the virtual trading point;	(d) undertakings active in the same entry-exit system shall exchange gasgases at the virtual trading point, or physically at interconnection points. Producers of renewable and low-carbon gases shall have equal access to the virtual trading point, irrespective of whether they are connected to the distribution or transmission system;	
Article 3, first paragraph, point (e)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
145	(e) network users shall be responsible to balance their balancing portfolios in order to minimise the need for transmission system operators to undertake balancing actions;	(e) network users shall be responsible to balance their balancing portfolios in order to minimise the need for transmission system operators to undertake balancing actions;	(e) network users shall be responsible to balance their balancing portfolios in order to minimise the need for transmission system operators to undertake balancing actions;	
Article 3, first paragraph, point (f)				
146	(f) balancing actions shall be performed on the basis of standardized products and conducted on a trading platform;	(f) balancing actions shall be performed on the basis of standardized products and conducted on a trading platform;	(f) balancing actions shall be performed on the basis of standardized products in line with the network code on balancing or established pursuant to Article 6(11) of Regulation 715/2009 and conducted on a trading platform or by the use of balancing services in line with that network code;	
Article 3, first paragraph, point (g)				
147	(g) market rules shall avoid actions which prevent price formation on the basis of demand and supply for gases;	(g) market rules shall avoid actions which prevent price formation on the basis of demand and supply for gases <i>gas</i> ;	(g) market rules shall avoid actions which prevent price formation on the basis of demand and supply for gases;	
147a		<u><i>(ga) market rules shall ensure a consumer-centred and energy efficient approach in the natural gas and hydrogen market;</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3, first paragraph, point (h)				
148	(h) market rules shall foster the emergence and functioning of liquid trading for gases, fostering price formation and price transparency;	(h) market rules shall foster the emergence and functioning of liquid trading for <i>gases</i> gas, fostering price formation and price transparency;	(h) market rules shall foster the emergence and functioning of liquid trading for gases, fostering price formation and price transparency;	
Article 3, first paragraph, point (i)				
149	(i) market rules shall enable the decarbonisation of the natural gas and hydrogen systems, including by enabling the integration into the market of gases of gas from renewable energy sources and by providing incentives for energy efficiency;	(i) market rules shall enable the decarbonisation of the natural gas and hydrogen systems, including by enabling the integration into the <i>gas</i> market of gases of gas from renewable energy sources and , by providing incentives for energy <i>savings and</i> efficiency, <i>fostering the integration of energy systems, contributing to the prudent and rational use of natural resources and facilitating the achievement of the Union's climate and energy targets</i> ;	(i) market rules shall enable the decarbonisation of the natural gas and hydrogen systems, including by enabling the integration into the market of gases of gas from renewable energy sources and by providing incentives for energy efficiency, demand reduction, demand flexibility and energy system integration ;	
Article 3, first paragraph, point (j)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
150	(j) market rules shall deliver appropriate investment incentives, in particular for long-term investments in a decarbonised and sustainable gas system, for energy storage, energy efficiency and demand response to meet market needs, and shall facilitate fair competition and security of supply;	(j) market rules shall deliver appropriate investment incentives <u>and incentives for interventions that do not require infrastructure investments where they are more efficient</u> , in particular for long-term investments in a decarbonised and sustainable gas system, for energy storage, energy efficiency and demand response to meet market needs, and shall facilitate fair competition and security of supply, <u>while avoiding investment incentives that lead to stranded assets</u> ;	(j) market rules shall deliver appropriate investment incentives, in particular for long-term investments in a decarbonised and sustainable gas system for gases , for energy storage, energy efficiency, demand reduction and demand response to meet market needs and system integration needs, and shall facilitate fair competition and security of supply;	
150a		<u>(ja) market rules shall prioritise the use of hydrogen for industrial customers in hard-to-decarbonise sectors, including in heavy-duty transport, with the highest greenhouse gas abatement potential, where more energy and cost efficient options are not available</u> ;		
Article 3, first paragraph, point (k)				
151	(k) barriers to cross-border gas flows, if existing, between entry-exit systems shall be removed;	(k) barriers to cross-border gas flows, if existing, between entry-exit systems shall be removed;	(k) barriers to cross-border gas flows, if existing, between entry-exit systems shall be removed;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3, first paragraph, point (l)				
152	(l) market rules shall facilitate regional cooperation and integration.	(l) market rules shall facilitate regional cooperation and integration.	(l) market rules shall facilitate regional cooperation and integration.	
152a		<u>Article 3a</u> <u>Diversification of gas supplies obligation</u>		
152b		<u>In order to safeguard the security of energy supply and the essential security interests of the Union in line with the objectives of the REPowerEU Plan, Member States shall diversify their gas supplies and shall ensure that imports of natural gas as well as of renewable gas and low-carbon gas through pipelines and LNG terminals do not originate from the Russian Federation.</u>		
152c		<u>Article 3b</u> <u>Upscaling of renewable gas and low-carbon gas in coal and carbon-intensive regions</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
152d		<p><u>1. The Commission shall support and provide incentives to encourage the penetration of renewable gas and low-carbon gas, in particular hydrogen and biomethane, into the Union energy system, in particular in coal and carbon-intensive regions pursuant to Regulation (EU) 2021/1056, by means of an enabling framework. That framework shall include:</u></p>		
152e		<p><u>(a) investments to facilitate a just transition of those regions, with the aim of increasing the share of renewable gas and low-carbon gas, in particular in industrial processes, district heating and energy storage for enhancing flexibility of the energy system;</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
152f		<u><i>(b) effective support measures to accelerate the phase out of solid fossil fuels in industrial and district heating sectors through investments in their modernisation, innovation and development as well as to decarbonise existing fossil-based hydrogen production sites;</i></u>		
152g		<u><i>(c) upskilling and reskilling programmes and projects aiming to create and strengthen a hydrogen-ready workforce;</i></u>		
152h		<u><i>(d) the implementation of hydrogen valleys or, where appropriate, Important Projects of Common European Interests (IPCEI), in particular innovation projects enabling the conversion from fossil fuels to renewable hydrogen and biomethane.</i></u>		
152i		<u><i>Article 3c Mainstreaming biomethane in the gas system</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
152j		<u><i>In order to support the sustainable production of biomethane to safeguard the security of gas supply in the Union and decrease dependence on fossil natural gas imports, Member States shall, by 31 December 2030, ensure collectively that at least 35 bcm of sustainable biomethane that complies with Directive (EU) 2018/2001 is produced and injected into the natural gas system at the level of the transmission system operators or of the distribution system operators.</i></u>		
Article 4				
153	Article 4 Separation of regulatory asset bases	Article 4 Separation of regulatory asset bases	Article 4 Separation of regulatory asset bases	
Article 4(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
154	1. Where a transmission system operator or a hydrogen network operator provides regulated services for gas, hydrogen and/or electricity, it shall comply with the requirement for unbundling of accounts as laid down in Article 69 of [recast Gas Directive as proposed in COM(2021) xxx] and Article 56 of Directive (EU) 2019/944 and it shall have a regulatory asset base separately for gas, electricity or hydrogen assets. A separate regulatory asset base shall ensure that:	1. Where a transmission system operator or a hydrogen network operator provides regulated services for gas, hydrogen and/or electricity, it shall comply with the requirement for unbundling of accounts as laid down in Article 69 of [recast Gas Directive as proposed in COM(2021) xxx] and Article 56 of Directive (EU) 2019/944 and it shall have a <u>separate</u> regulatory asset base separately for gas, electricity or hydrogen assets. A separate regulatory asset base shall ensure that:	1. Where a transmission or distribution system operator or a hydrogen network operator provides regulated services for natural gas, hydrogen and/or electricity, it shall comply with the requirement for unbundling of accounts as laid down in Article 69 of [recast Gas Directive as proposed in COM(2021) xxx] and Article 56 of Directive (EU) 2019/944 and it shall have a regulatory asset base separately for natural gas, electricity or hydrogen assets. A separate regulatory asset base shall ensure that:	
Article 4(1), point (a)				
155	(a) services revenues obtained from the provision of specific regulated services can only be used to recover the capital and operational expenditures related to the assets included in the regulated assets base on which the regulated services were provided;	(a) services revenues obtained from the provision of specific regulated services can only be used <u>only</u> to recover the capital and operational expenditures related to the assets included in the regulated <u>regulatory</u> assets base on which the regulated services were provided;	(a) services revenues obtained from the provision of specific regulated services can only be used to recover the capital and operational expenditures related to the assets included in the regulated regulatory assets base on which the regulated services were provided;	
Article 4(1), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
156	(b) when assets are transferred to a different regulatory asset base, their value will be established. The value set for the transferred asset is subject to an audit and approval by the competent regulatory authority. The value established will be such that cross-subsidies do not occur.	(b) when assets are transferred to a different regulatory asset base, their value will be established. The value set for the transferred asset is subject to an audit and approval by the competent regulatory authority. The value established will be such that cross-subsidies do not occur.	(b) when assets are transferred to a different- regulatory asset base, their value will be established. The value set for the transferred asset is subject to an audit and approval by the competent regulatory authority. The value established will be such that cross-subsidies do not occur.	
Article 4(2)				
157	2. A Member State may allow financial transfers between regulated services that are separate as meant in in the first paragraph, provided that:	2. A Member State may shall not allow financial transfers between regulated services that are separate as meant in in the first within the meaning of paragraph, provided that: 1.	2. A Member State may allow financial transfers between regulated services that are separate as meant in in the first paragraph within the meaning of paragraph 1 , provided that:	
Article 4(2), point (a)				
158	(a) all revenues needed for the financial transfer are collected as a dedicated charge;	<i>deleted</i>	(a) all revenues needed for the financial transfer are collected as a dedicated charge;	
Article 4(2), point (b)				
159	(b) the dedicated charge is collected only from exit points to final customers located within the same Member States as the beneficiary of the financial transfer;	<i>deleted</i>	(b) the dedicated charge is collected only from exit points to final customers located within the same Member States as the beneficiary of the financial transfer;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 4(2), point (c)				
160	(c) the dedicated charge and financial transfer or the methodologies underlying their calculation are approved prior to their entry into force by the regulatory authority referred to in Article 70;	<i>deleted</i>	(c) the dedicated charge and financial transfer or the methodologies underlying their calculation are approved prior to their entry into force by the regulatory authority referred to in Article 70 of [recast Gas Directive as proposed in COM(2021) xxx];	
Article 4(2), point (d)				
161	(d) the approved dedicated charge and financial transfer and the methodologies, where methodologies are approved are published.	<i>deleted</i>	(d) the approved dedicated charge and financial transfer and the methodologies, where methodologies are approved, are published no later than thirty days before their date of implementation.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
161a		<p><u>2a. In order to avoid undue and excessive cross-subsidies among first and future users of hydrogen networks, Member States may allow hydrogen network operators to spread network development costs over time, by ensuring that future users pay part of the initial costs. Such an inter-temporal cost allocation mechanism and its underlying methodology shall be subject to approval by the competent regulatory authority referred to in Article 70 of recast Gas Directive. Where Member States apply such a mechanism, they shall put in place a State guarantee to cover the financial risk of hydrogen network operators.</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
161b		<p><u>2b. By way of derogation from paragraph 2 of this Article, the regulatory authority referred to in Article 70 of recast Gas Directive may allow, as a last resort, where no more cost-efficient options are available, financial transfers between regulated services that are separate within the meaning of paragraph 1. The regulatory authority shall take such a decision only on the basis of an impact assessment that demonstrates the impact of those financial transfers on cross-subsidisation between users of gas networks and users of hydrogen networks and confirms the cost-efficiency of those financial transfers, the fact that the level playing field across Member States is preserved and that the resulting gas network tariffs do not unreasonably distort cross-border trade.</u></p>		
161c		<p><u>2c. If supported by the impact assessment referred to in paragraph 2b, a Member State may allow financial transfers between regulated services that are separate within the meaning of paragraph 1, provided that:</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
161d		<u>(a) all revenues needed for the financial transfer are collected as a dedicated charge;</u>		
161e		<u>(b) the dedicated charge is collected only from exit points to final customers located within the same Member States as the beneficiary of the financial transfer;</u>		
161f		<u>(c) the dedicated charge and financial transfer or the methodologies underlying their calculation are approved prior to their entry into force by the regulatory authority referred to in Article 70 of recast Gas Directive and their implementation starts at the beginning of a defined gas year;</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
161g		<u><i>(d) the approved dedicated charge and financial transfer and the methodologies, where methodologies are approved are published before their implementation;</i></u>		
161h		<u><i>(e) ACER has issued a recommendation, in accordance with paragraph 4, and the Commission has been notified of the dedicated charges.</i></u>		
Article 4(3)				
162	3. The regulatory authority may only approve a financial transfer and dedicated charge referred to in paragraph 2, provided that:	3. The regulatory authority may only approve a financial transfer and dedicated charge referred to in paragraph 2 2b , provided that:	3. The regulatory authority may only approve a financial transfer and dedicated charge referred to in paragraph 2, provided that:	
Article 4(3), point (a)				
163	(a) network access tariffs are charged to users of the regulatory asset base that benefits from a financial transfer;	(a) network access tariffs are charged to users of the regulatory asset base that benefits from a financial transfer;	(a) network access tariffs are charged to users of the regulatory asset base that benefits from a financial transfer;	
Article 4(3), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
164	(b) the sum of financial transfers and service revenues collected through network access tariffs cannot be larger than the allowed revenues;	(b) the sum of financial transfers and service revenues collected through network access tariffs cannot be larger than the allowed revenues;	(b) the sum of financial transfers and service revenues collected through network access tariffs cannot be not larger than the allowed and target revenues;	
Article 4(3), point (c)				
165	(c) a financial transfer is approved for a limited period in time and can never be longer than one third of the depreciation period of the infrastructure concerned.	(c) a financial transfer is approved for a limited period in time and can never be longer than one third of the depreciation period of the infrastructure concerned.	(c) a financial transfer is approved for a limited period in time and, in no event, for a can never be longer period than one third of the remaining depreciation period of the infrastructure concerned.	
165a		<u><i>3a. Costs associated with feasibility studies related to the repurposing of the networks to hydrogen shall not be considered to be financial transfers between regulated assets.</i></u>		
Article 4(4), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
166	4. By [date of adoption +1 year] ACER shall issue recommendations to transmission or network operators and regulatory authorities on the methodologies for:	43b. By ... [one year after the date of adoption +1 year <u>entry into force of this Regulation</u>] ACER shall issue recommendations to transmission <u>system operators or hydrogen</u> or network operators and regulatory authorities on the <u>criteria to allow and determine the inter-temporal allocation of network development costs among users of hydrogen network. Where necessary, ACER shall issue</u> methodologies for:	4. By [date of adoption +1 year] ACER shall issue recommendations to transmission, distribution system and hydrogen or network operators and regulatory authorities on the methodologies for:	
Article 4(4), first subparagraph, point (a)				
167	(a) the determination of the value of the assets that are transferred to another regulated asset base and the destination of any profits and losses that may occur as a result;	(a) the determination of the value of the assets that are transferred to another regulated <u>regulatory</u> asset base and the destination of any profits and losses that may occur as a result;	(a) the determination of the value of the assets that are transferred to another regulated regulatory asset base and the destination of any profits and losses that may occur as a result;	
Article 4(4), first subparagraph, point (b)				
168	(b) the calculation of the size and maximum duration of the financial transfer and dedicated charge;	(b) the calculation of the size and maximum duration of the financial transfer and dedicated charge;	(b) the calculation of the size and maximum duration of the financial transfer and dedicated charge;	
Article 4(4), first subparagraph, point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	169	(c) the criteria to allocate contributions to the dedicated charge among final consumers connected to the regulatory asset base.	(c) the criteria to allocate contributions to the dedicated charge among final consumers connected to the regulatory asset base.	(c) the criteria to allocate contributions to the dedicated charge among final consumers connected to the regulatory asset base.	G
Article 4(4), second subparagraph					
	170	ACER shall update the recommendations at least once every two years.	<u>3c.</u> ACER shall update the recommendations <u>referred to in the first subparagraph</u> at least once every two years.	ACER shall update the recommendations at least once every two years.	
Article 5					
G	171	Article 5 Third-party access services concerning transmission system operators	Article 5 Third-party access services concerning transmission system operators	Article 5 Third-party access services concerning transmission system operators	G
Article 5(1), first subparagraph					
G	172	1. Transmission system operators shall:	1. Transmission system operators shall:	1. Transmission system operators shall:	G
Article 5(1), first subparagraph, point (a)					
	173	(a) ensure that they offer capacity and services on a non-discriminatory basis to all network users;	(a) ensure that they offer capacity and services on a non-discriminatory basis to all network users;	(a) ensure that they offer capacity and services on a non-discriminatory basis to all network users;	
Article 5(1), first subparagraph, point (b)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	174	(b) provide both firm and interruptible capacity. The price of interruptible capacity shall reflect the probability of interruption;	(b) provide both firm and interruptible capacity. The price of interruptible capacity shall reflect the probability of interruption;	(b) provide both firm and interruptible capacity. The price of interruptible capacity shall reflect the probability of interruption;	G
Article 5(1), first subparagraph, point (c)					
G	175	(c) offer to network users both long and short-term capacity.	(c) offer to network users both long and short-term capacity.	(c) offer to network users both long and short-term capacity.	G
Article 5(1), second subparagraph					
G	176	In regard to point (a) of the first subparagraph, where a transmission system operator offers the same service to different customers, it shall do so under equivalent contractual terms and conditions, either using harmonised transport contracts or a common network code approved by the competent authority in accordance with the procedure laid down in Article 72 or 73 of recast Gas Directive as proposed in COM(2021) xxx.	In regard to point (a) of the first subparagraph, where a transmission system operator offers the same service to different customers, it shall do so under equivalent contractual terms and conditions, either using harmonised transport contracts or a common network code approved by the competent authority in accordance with the procedure laid down in Article 72 or 73 of recast Gas Directive as proposed in COM(2021) xxx.	In regard to point (a) of the first subparagraph, where a transmission system operator offers the same service to different customers, it shall do so under equivalent contractual terms and conditions, either using harmonised transport contracts or a common network code approved by the competent authority in accordance with the procedure laid down in Article 72 or 73 of recast Gas Directive as proposed in COM(2021) xxx.	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
176a		<p><u><i>Ia. No tariffs shall be charged pursuant to Article 15 for access to transmission systems at interconnection points between Member States unless the regulatory authorities concerned jointly agree on a tariff regime for such access. In the absence of an agreement between the regulatory authorities concerned, ACER shall decide on the tariff regime, including the possibility of avoiding the application of tariffs, in accordance with Article 6(10) of Regulation (EU) 2019/942. When deciding on that tariff regime the regulatory authorities concerned or ACER shall ensure an appropriate return on investment and covering of the operational expenditure born by the gas transmission network operators in relation to the specific interconnection point.</i></u></p>		
Article 5(2)				
177	<p>2. Transport contracts signed with non-standard start dates or with a shorter duration than a standard annual transport contract shall not result in arbitrarily higher or lower tariffs that do not reflect the market value of the service, in accordance with the principles laid down in Article 15(1).</p>	<p>2. Transport contracts signed with non-standard start dates or with a shorter duration than a standard annual transport contract shall not result in arbitrarily higher or lower tariffs that do not reflect the market value of the service, in accordance with the principles laid down in Article 15(1).</p>	<p>2. Transport contracts signed with non-standard start dates or with a shorter duration than a standard annual transport contract shall not result in arbitrarily higher or lower tariffs that do not reflect the market value of the service, in accordance with the principles laid down in Article 15(1).</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 5(3), first subparagraph				
178	3. Where two or more interconnection points connect the same two adjacent entry-exit systems, the adjacent transmission system operators concerned shall offer the available capacities at the interconnection points at one virtual interconnection point. Any contracted capacity at the interconnection points, regardless of the date of its conclusion, shall be transferred to the virtual interconnection point.	3. Where two or more interconnection points connect the same two adjacent entry-exit systems, the adjacent transmission system operators concerned shall offer the available capacities at the interconnection points at one virtual interconnection point. Any contracted capacity at the interconnection points, regardless of the date of its conclusion, shall be transferred to the virtual interconnection point.	3. Where two or more interconnection points connect the same two adjacent entry-exit systems, the adjacent transmission system operators concerned shall offer the available capacities at the interconnection points at one virtual interconnection point. Any contracted capacity at the interconnection points, regardless of the date of its conclusion, shall be transferred to the virtual interconnection point.	
Article 5(3), second subparagraph				
179	A virtual interconnection point shall be established only if the following conditions are met:	A virtual interconnection point shall be established only if the following conditions are met:	A virtual interconnection point shall be established only if the following conditions are met:	
Article 5(3), second subparagraph, point (a)				
180	(a) the total technical capacity at the virtual interconnection points shall be equal to or higher than the sum of the technical capacities at each of the interconnection points contributing to the virtual interconnection points;	(a) the total technical capacity at the virtual interconnection points shall be equal to or higher than the sum of the technical capacities at each of the interconnection points contributing to the virtual interconnection points;	(a) the total technical capacity at the virtual interconnection points shall be equal to or higher than the sum of the technical capacities at each of the interconnection points contributing to the virtual interconnection points;	
Article 5(3), second subparagraph, point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
181	(b) the virtual interconnection point facilitates the economic and efficient use of the system including but not limited to rules set out in Article 9 and 10 of this Regulation.	(b) the virtual interconnection point facilitates the economic and efficient use of the system including but not limited to rules set out in Article 9 and 10 of this Regulation.	(b) the virtual interconnection point facilitates the economic and efficient use of the system including but not limited to rules set out in Article 9 and 10 of this Regulation.	
Article 5(4)				
182	4. Where appropriate, third-party access services may be granted subject to appropriate guarantees from network users with respect to the creditworthiness of such users. Such guarantees shall not constitute undue market-entry barriers and shall be non-discriminatory, transparent and proportionate.	4. Where appropriate, third-party access services may be granted subject to appropriate guarantees from network users with respect to the creditworthiness of such users. Such guarantees shall not constitute undue market-entry barriers and shall be non-discriminatory, transparent and proportionate.	4. Where appropriate, third-party access services may be granted subject to appropriate guarantees from network users with respect to the creditworthiness of such users. Such guarantees shall not constitute undue market-entry barriers and shall be non-discriminatory, transparent and proportionate.	
Article 5(5)				
183	5. Transmission system operators shall, if necessary for the purpose of carrying out their functions including in relation to cross-border transmission, have access to the network of other transmission system operators.	5. Transmission system operators shall, if necessary for the purpose of carrying out their functions including in relation to cross-border transmission, have access to the network of other transmission system operators.	5. Transmission system operators shall, if necessary for the purpose of carrying out their functions including in relation to cross-border transmission, have access to the network of other transmission system operators.	
Article 5(6), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
183a			6. Paragraphs 1 to 5 shall be without prejudice to the possibility for Member States to take proportionate measures to temporarily limit, for a fixed term, up-front bidding for capacity by any single network user at entry points from the Russian Federation or Belarus, where this is necessary to protect their essential security interests and those of the Union, and provided that such measures:	
Article 5(6), first subparagraph, point (i)				
183b			i. do not unduly disrupt the proper functioning of the internal gas market and cross-border flows of natural gas between Member States, and do not undermine the security of supply of the Union or a Member state	
Article 5(6), first subparagraph, point (ii)				
183c			ii. respect the principle of energy solidarity,	
Article 5(6), first subparagraph, point (iii)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
183d			<p>iii. are taken in compliance with the rights and obligations of the Member States and of the Union with respect to third countries.</p>	
Article 5(6), second subparagraph				
183e			<p>Before deciding on a measure referred in the first subparagraph, the Member State concerned shall consult the Commission and, in so far as they are likely to be affected by the measure, other Member States, the Energy Community Contracting Parties, third countries that are Contracting Parties to the Agreement on the European Economic Area, and the United Kingdom of Great Britain and Northern Ireland. The relevant Member States shall take the utmost account of the situation in those Member States and third countries and any concerns raised in that respect by those Member States, third countries or the Commission.</p>	
Article 6				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
184	Article 6 Third-party access services concerning hydrogen network operators	Article 6 Third-party access services concerning hydrogen network operators	Article 6 Third-party access services concerning hydrogen network operators	
Article 6(1)				
185	1. Hydrogen network operators shall offer their services on a non-discriminatory basis to all network users. Where the same service is offered to different customers, it shall be offered under equivalent contractual terms and conditions. Hydrogen network operators shall publish contractual terms and tariffs charged for network access and, if applicable, balancing charges, on their website.	1. Hydrogen network operators shall offer their services on a non-discriminatory basis to all network users. Where the same service is offered to different customers, it shall be offered under equivalent contractual terms and conditions. Hydrogen network operators shall publish contractual terms and tariffs charged for network access and, if applicable, balancing charges, on their website.	1. Hydrogen network operators shall offer their services on a non-discriminatory basis to all network users. Where the same service is offered to different customers, it shall be offered under equivalent contractual terms and conditions. Hydrogen network operators shall publish contractual terms and tariffs charged for network access and, if applicable, balancing charges, on their website.	
Article 6(2)				
186	2. The maximum capacity of a hydrogen network shall be made available to market participants, taking into account system integrity and efficient network operation.	2. The maximum capacity of a hydrogen network shall be made available to market participants, taking into account system integrity and efficient network operation.	2. The maximum capacity of a hydrogen network shall be made available to market participants, taking into account system integrity and efficient and safe network operation.	
Article 6(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
187	3. The maximum duration for capacity contracts shall be 20 years for infrastructure completed by [date of entry into force] and 15 years for infrastructure completed after this date. Regulatory authorities shall have the right to impose shorter maximum durations if necessary to ensure market functioning, to safeguard competition and to ensure future cross-border integration.	3. The maximum duration for capacity contracts shall be 20 years for infrastructure completed by [date of entry into force] and 15 years for infrastructure completed after this date. Regulatory authorities shall have the right to impose shorter maximum durations if necessary to ensure market functioning, to safeguard competition and to ensure future cross-border integration. <i><u>When adopting a decision on the imposition of a shorter maximum duration, the regulatory authorities shall take into account, inter alia, commitment from users to secure network financing, negative implications on planning and refinancing possibilities.</u></i>	3. The maximum duration for capacity contracts shall be 20 years for infrastructure completed by 1 January 2031 [date of entry into force] and 15 years for infrastructure completed after this that date. Regulatory authorities shall have the right to impose shorter maximum durations if necessary to ensure market functioning, to safeguard competition and to ensure future cross-border integration.	
Article 6(4)				
188	4. Hydrogen network operators shall implement and publish non-discriminatory and transparent congestion-management procedures, which also facilitate cross-border exchanges in hydrogen on a non-discriminatory basis.	4. Hydrogen network operators shall implement and publish non-discriminatory and transparent congestion-management procedures, which also facilitate cross-border exchanges in hydrogen on a non-discriminatory basis.	4. Hydrogen network operators shall implement and publish non-discriminatory and transparent congestion-management procedures, which also facilitate cross-border exchanges in hydrogen on a non-discriminatory basis.	
Article 6(5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
189	5. Hydrogen network operators shall regularly assess market demand for new investment, taking into account security of supply and the efficiency of the final hydrogen uses.	5. Hydrogen network operators shall regularly assess market demand for new investment, taking into account security of supply and the efficiency of the final hydrogen uses.	5. Hydrogen network operators shall regularly assess market demand for new investment, taking into account security of supply and the efficiency of the final hydrogen uses.	
189a		<u><i>5a. Where there is less capacity than potential users, hydrogen network operators shall, in cooperation with both relevant regulatory authorities and potential users, give priority access to users who can demonstrate the highest potential of greenhouse gas abatement per tonne of consumed hydrogen and where no more energy and cost efficient options are available. This paragraph shall not apply to access to the hydrogen network that has already been granted.</i></u>		
Article 6(6)				
190	6. As of 1 January 2031, hydrogen networks shall be organised as entry-exit systems.	6. As of 1 January 2031, hydrogen networks shall be organised as entry-exit systems.	6. As of 1 January 2034 [2036] , hydrogen networks shall be organised as entry-exit systems.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
190a			6a. Member States may decide not to apply paragraph 6 to hydrogen networks which benefit from a derogation pursuant to Article 48 [Recast Gas Directive] and are not connected to another hydrogen network .	
Article 6(7)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
191	<p>7. As of 1 January 2031, Article 15 shall apply also to tariffs for access to hydrogen networks. Articles 16 and 17 shall not apply. No tariffs shall be charged pursuant to Article 15 for access to hydrogen networks at interconnection points between Member States. Where a Member State decides to apply regulated third party access to hydrogen networks in accordance with Article 31 of [recast Gas Directive] before 1 January 2031, paragraph 1 of Article 15 shall be applicable to access tariff to hydrogen networks in that Member State.</p>	<p>7. As of 1 January 2031, Article 15 shall apply also to tariffs for access to hydrogen networks. Articles 16 and 17 shall not apply. <u><i>From 1 January 2031</i></u>, no tariffs shall be charged pursuant to Article 15 for access to hydrogen networks at interconnection points between Member States, <u><i>unless the regulatory authorities concerned jointly agree on a tariff regime for such access. In the absence of an agreement between the regulatory authorities concerned, ACER shall decide on the tariff regime, including the possibility of avoiding the application of tariffs, in accordance with Article 6(10) of Regulation (EU) 2019/942. When deciding on that tariff regime the regulatory authorities concerned or ACER shall ensure an appropriate return on investment and covering of the operational expenditure born by the hydrogen transmission network operators in relation to the given interconnection point.</i></u> Where a Member State decides to apply regulated third party access to hydrogen networks in accordance with Article 31 of [recast Gas Directive] before 1 January 2031, paragraph 1 of Article 15 <u><i>Article 15(1) of this Regulation</i></u> shall be applicable to access tariff to hydrogen networks in that Member State.</p>	<p>7. As of 1 January 2031[2036], Article 15 shall apply also to tariffs for access to hydrogen networks and the obligations on transmission system operators set out in paragraphs 1 and 2 of Article 15 shall apply to hydrogen network operators. Articles 16 and 17 shall not apply. No tariffs shall be charged pursuant to Article 15 for access to hydrogen networks to hydrogen networks, but only to the natural gas system. At interconnection points between Member States-, when capacity is allocated via auctions, competent national authorities may decide to apply zero reserve price. Where a Member State decides to apply regulated third party access to hydrogen networks in accordance with Article 31 of [recast Gas Directive] before 1 January 2031[2036], paragraph 1 of Article 15 shall be applicable to access tariff to hydrogen networks in that Member State.</p>	

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the internal markets for renewable and natural gases and for hydrogen (recast) 2021/0424(COD)

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 6(8)				
192	8. As of 1 January 2031, hydrogen network operators shall comply with the requirements on transmission system operators pursuant to Articles 5, 9 and 12 when offering their services, and publish tariffs for each network point on an online platform operated by the ENNOH. Until a network code on capacity allocation for hydrogen networks has been adopted pursuant to Article 54(2), point (d) and has entered into force, such publication can occur via links to the publication of tariffs on websites of hydrogen network operators.	8. As of 1 January 2031, hydrogen network operators shall comply with the requirements on transmission system operators pursuant to Articles 5, 9 and 12 when offering their services, and publish tariffs for each network point on an online platform operated by the ENNOH <u>ENTSOG&H</u> . Until a network code on capacity allocation for hydrogen networks has been adopted pursuant to Article 54(2), point (d) and has entered into force, such publication can occur via links to the publication of tariffs on websites of hydrogen network operators.	8. As of 1 January 2031 [2036] , hydrogen network operators shall comply with the requirements on transmission system operators pursuant to Articles 5, 9 and 12 when offering their services, and shall publish tariffs for each network point on an online platform operated by the ENNOH. Until a network code on capacity allocation for hydrogen networks has been adopted pursuant to Article 54(2), point (d) and has entered into force, such publication can may occur via links to the publication of tariffs on websites of hydrogen network operators.	
Article 7				
193	Article 7 Third-party access services concerning natural gas storage, hydrogen terminals and LNG facilities and hydrogen storage facilities	Article 7 Third-party access services concerning natural gas storage, hydrogen terminals and LNG facilities and hydrogen storage facilities	Article 7 Third-party access services concerning natural gas- storage , hydrogen terminals and LNG facilities and hydrogen storage facilities	
Article 7(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
194	1. Operators of LNG facilities and hydrogen terminals, hydrogen storage facility operators as well as natural gas storage system operators shall:	1. Operators of LNG facilities and hydrogen terminals, hydrogen storage facility operators as well as natural gas storage system operators shall:	1. Operators of LNG facilities and hydrogen terminals, hydrogen storage facility operators as well as natural gas storage system operators shall:	
Article 7(1), point (a)				
195	(a) offer services on a non-discriminatory basis to all network users that accommodate market demand; in particular, where an operator of LNG facilities or a hydrogen terminals, hydrogen storage facility or natural gas storage system operator offers the same service to different customers, it shall do so under equivalent contractual terms and conditions;	(a) offer services on a non-discriminatory basis to all network users that accommodate market demand; in particular, where an operator of LNG facilities or a hydrogen terminals, hydrogen storage facility or natural gas storage system operator offers the same service to different customers, it shall do so under equivalent contractual terms and conditions;	(a) offer services on a non-discriminatory basis to all network users that accommodate market demand; in particular, where an operator of LNG facilities or a hydrogen terminals, hydrogen storage facility or natural gas storage system operator offers the same service to different customers, it shall do so under equivalent contractual terms and conditions;	
Article 7(1), point (b)				
196	(b) offer services that are compatible with the use of the interconnected natural gas and hydrogen transport systems and facilitate access through cooperation with the transmission system operator or hydrogen network operator; and	(b) offer services that are compatible with the use of the interconnected natural gas and hydrogen transport systems and facilitate access through cooperation with the transmission system operator or hydrogen network operator; and	(b) offer services that are compatible with the use of the interconnected natural gas and hydrogen transport systems and facilitate access through cooperation with the transmission system operator or hydrogen network operator; and	
Article 7(1), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
197	(c) make relevant information public, in particular data on the use and availability of services, in a time-frame compatible with the reasonable commercial needs of users of LNG or storage facilities, hydrogen terminals or hydrogen storage facilities, subject to the monitoring of such publication by the regulatory authority.	(c) make relevant information public, in particular data on the use and availability of services, in a time-frame compatible with the reasonable commercial needs of users of LNG or storage facilities, hydrogen terminals or hydrogen storage facilities, subject to the monitoring of such publication by the regulatory authority.	(c) make relevant information public, in particular data on the use and availability of services, in a time-frame compatible with the reasonable commercial needs of users of LNG or storage facilities, hydrogen terminals or hydrogen storage facilities, subject to the monitoring of such publication by the regulatory authority.	
Article 7(2)				
198	2. Each storage system operator shall:	2. Each storage system operator shall:	2. Each storage system operator shall:	
Article 7(2), point (a)				
199	(a) provide both firm and interruptible third-party access services; the price of interruptible capacity shall reflect the probability of interruption;	(a) provide both firm and interruptible third-party access services; the price of interruptible capacity shall reflect the probability of interruption;	(a) provide both firm and interruptible third-party access services; the price of interruptible capacity shall reflect the probability of interruption;	
Article 7(2), point (b)				
200	(b) offer to storage facility users both long and short-term services;	(b) offer to storage facility users both long and short-term services;	(b) offer to storage facility users both long and short-term services;	
Article 7(2), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
201	(c) offer to storage facility users both bundled and unbundled services of storage space, injectability and deliverability.	(c) offer to storage facility users both bundled and unbundled services of storage space, injectability and deliverability.	(c) offer to storage facility users both bundled and unbundled services of storage space, injectability and deliverability. capacity,	
Article 7(3)				
202	3. Each LNG system operator shall offer to LNG facility users both bundled and unbundled services, within the LNG facility depending on the needs expressed by LNG facility users.	3. Each LNG system operator shall offer to LNG facility users both bundled and unbundled services, within the LNG facility depending on the needs expressed by LNG facility users.	3. Each LNG system operator shall offer to LNG facility users both bundled and unbundled services, within the LNG facility depending on the needs expressed by LNG facility users.	
Article 7(4), first subparagraph				
203	4. LNG and natural gas storage facility contracts shall not result in arbitrarily higher tariffs in cases in which they are signed:	4. LNG and natural gas storage facility contracts shall not result in arbitrarily higher tariffs in cases in which they are signed:	4. LNG and natural gas storage facility contracts shall not result in arbitrarily higher tariffs in cases in which they are signed:	
Article 7(4), first subparagraph, point (a)				
204	(a) outside a natural gas year with non-standard start dates; or	(a) outside a natural gas year with non-standard start dates; or	(a) outside a natural gas year with non-standard start dates; or	
Article 7(4), first subparagraph, point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	205	(b) with a shorter duration than a standard LNG and storage facility contract on an annual basis.	(b) with a shorter duration than a standard LNG and storage facility contract on an annual basis.	(b) with a shorter duration than a standard LNG and storage facility contract on an annual basis.	G
Article 7(4), second subparagraph					
G	206	Hydrogen storage facility and hydrogen terminal contracts with a shorter duration than a standard LNG and storage facility contract on an annual basis shall not result in arbitrarily higher tariffs.	Hydrogen storage facility and hydrogen terminal contracts with a shorter duration than a standard LNG and storage facility contract on an annual basis shall not result in arbitrarily higher tariffs.	Hydrogen storage facility and hydrogen terminal contracts with a shorter duration than a standard LNG and storage facility contract on an annual basis shall not result in arbitrarily higher tariffs.	G
Article 7(5)					
G	207	5. Where appropriate, third-party access services may be granted subject to appropriate guarantees from network users with respect to the creditworthiness of such users. Such guarantees shall not constitute undue market-entry barriers and shall be non-discriminatory, transparent and proportionate.	5. Where appropriate, third-party access services may be granted subject to appropriate guarantees from network users with respect to the creditworthiness of such users. Such guarantees shall not constitute undue market-entry barriers and shall be non-discriminatory, transparent and proportionate.	5. Where appropriate, third-party access services may be granted subject to appropriate guarantees from network users with respect to the creditworthiness of such users. Such guarantees shall not constitute undue market-entry barriers and shall be non-discriminatory, transparent and proportionate.	G
Article 7(6)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
208	6. Contractual limits on the required minimum size of LNG facility or hydrogen terminal capacity and natural gas or hydrogen storage capacity shall be justified on the basis of technical constrains and shall permit smaller storage users to gain access to storage services.	6. Contractual limits on the required minimum size of LNG facility or hydrogen terminal capacity and natural gas or hydrogen storage capacity shall be justified on the basis of technical constrains and shall permit smaller storage users to gain access to storage services.	6. Contractual limits on the required minimum size of LNG facility or hydrogen terminal capacity and natural gas or hydrogen storage capacity shall be justified on the basis of technical constrains and shall permit smaller storage users to gain access to storage services.	
Article 7(7), first subparagraph				
208a			7. Paragraphs 1-6 shall be without prejudice to the possibility for Member States to take proportionate measures to temporarily limit, for a fixed term, up-front bidding for capacity by any single network user at LNG terminals for deliveries from the Russian Federation or Belarus, where this is necessary to protect their essential security interests and those of the Union, and provided that such measures:	
Article 7(7), first subparagraph, point (i)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
208b			i. do not unduly disrupt the proper functioning of the internal gas market, and cross-border flows of natural gas between Member States, and do not undermine the security of supply of the Union or a Member State	
Article 7(7), first subparagraph, point (ii)				
208c			ii. respect the principle of energy solidarity,	
Article 7(7), first subparagraph, point (iii)				
208d			iii. are taken in compliance with the rights and obligations of the Member States and of the Union with respect to third countries.	
Article 7(7), second subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
208e			<p>Before deciding on a measure referred in the first subparagraph, the Member State concerned shall consult the Commission and, in so far as they are likely to be affected by the measure, other Member States, the Energy Community Contracting Parties, third countries that are Contracting Parties to the Agreement on the European Economic Area, and the United Kingdom of Great Britain and Northern Ireland. The relevant Member States shall take the utmost account of the situation in those Member States and third countries and any concerns raised in that respect by those Member States, third countries or the Commission.</p>	
Article 8				
209	<p>Article 8 Market assessment for renewable and low carbon gases by LNG and storage system operators</p>	<p>Article 8 Market assessment for renewable <u>gas</u> and low carbon <u>gases</u> by LNG and storage system operators</p>	<p>Article 8 Market assessment for renewable and low carbon gases by LNG and storage system operators</p>	
Article 8, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
210	LNG and storage system operators shall, at least every two years, assess market demand for new investment allowing the use of renewable and low carbon gases in the facilities. When planning new investments, LNG and storage system operators shall assess market demand and take into account security of supply. LNG and storage system operators shall make publicly available any plans regarding new investments allowing the usage of renewable and low carbon gases in their facilities.	LNG and storage system operators shall, <u>in cooperation with relevant regulatory authorities and</u> at least every two years, assess market demand for new investment, allowing the use of renewable <u>gas</u> and low carbon <u>gasesgas</u> in the facilities, <u>including repurposing for hydrogen derivatives and hydrogen terminals</u> . When planning new investments, LNG and storage system operators shall assess market demand and take into account security of supply, <u>as well as market demand for liquid hydrogen and new related investments</u> . LNG and storage system operators shall make publicly available any plans regarding new investments allowing <u>prioritising</u> the usage of renewable <u>gas</u> and low carbon <u>gasesgas</u> in their facilities.	LNG and storage system operators shall, at least every two years, assess market demand for new investment allowing the use of renewable and low carbon gases, including hydrogen compounds such as liquid ammonia and liquid organic hydrogen carriers , in the facilities. When planning new investments, LNG and storage system operators shall assess market demand and take into account security of supply. LNG and storage system operators shall make publicly available any plans regarding new investments allowing the usage of renewable and low carbon gases in their facilities.	
Article 9				
211	Article 9 Principles of capacity-allocation mechanisms and congestion-management procedures concerning transmission system operators	Article 9 Principles of capacity-allocation mechanisms and congestion-management procedures concerning transmission system operators	Article 9 Principles of capacity-allocation mechanisms and congestion-management procedures concerning transmission system operators	
Article 9(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
212	1. The maximum capacity at all relevant points referred to in Article 30 (3) shall be made available to market participants, taking into account system integrity and efficient network operation.	1. The maximum capacity at all relevant points referred to in Article 30 (3) shall be made available to market participants, taking into account system integrity and efficient network operation.	1. The maximum capacity at all relevant points referred to in Article 30 (3) shall be made available to market participants, taking into account system integrity and efficient network operation.	
Article 9(2)				
213	2. The transmission system operator shall implement and publish non-discriminatory and transparent capacity-allocation mechanisms, which shall:	2. The transmission system operator shall implement and publish non-discriminatory and transparent capacity-allocation mechanisms, which shall:	2. The transmission system operator shall implement and publish non-discriminatory and transparent capacity-allocation mechanisms, which shall:	
Article 9(2), point (a)				
214	(a) provide appropriate economic signals for the efficient and maximum use of technical capacity, facilitate investment in new infrastructure and facilitate cross-border exchanges in natural gas;	(a) provide appropriate economic signals for the efficient and maximum use of technical capacity, facilitate investment in new infrastructure and facilitate cross-border exchanges in natural gas, <u>taking into account investments in decommissioning, cost-savings from repurposing to hydrogen and investments in alternative demand-side solutions not requiring new infrastructure investments;</u>	(a) provide appropriate economic signals for the efficient and maximum use of technical capacity, facilitate investment in new infrastructure and facilitate cross-border exchanges in natural gas;	
Article 9(2), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	215	(b) be compatible with the market mechanisms including spot markets and trading hubs, while being flexible and capable of adapting to evolving market circumstances; and	(b) be compatible with the market mechanisms including spot markets and trading hubs, while being flexible and capable of adapting to evolving market circumstances; and	(b) be compatible with the market mechanisms including spot markets and trading hubs, while being flexible and capable of adapting to evolving market circumstances; and	G
Article 9(2), point (c)					
G	216	(c) be compatible with the network access systems of the Member States.	(c) be compatible with the network access systems of the Member States.	(c) be compatible with the network access systems of the Member States.	G
Article 9(3), first subparagraph					
G	217	3. The transmission system operator shall implement and publish non-discriminatory and transparent congestion-management procedures which facilitate cross-border exchanges in natural gas on a non-discriminatory basis and which shall be based on the following principles:	3. The transmission system operator shall implement and publish non-discriminatory and transparent congestion-management procedures which facilitate cross-border exchanges in natural gas on a non-discriminatory basis and which shall be based on the following principles:	3. The transmission system operator shall implement and publish non-discriminatory and transparent congestion-management procedures which facilitate cross-border exchanges in natural gas on a non-discriminatory basis and which shall be based on the following principles:	G
Article 9(3), first subparagraph, point (a)					
G	218	(a) in the event of contractual congestion, the transmission system operator shall offer unused capacity on the primary market at least on a day-ahead and interruptible basis; and	(a) in the event of contractual congestion, the transmission system operator shall offer unused capacity on the primary market at least on a day-ahead and interruptible basis; and	(a) in the event of contractual congestion, the transmission system operator shall offer unused capacity on the primary market at least on a day-ahead and interruptible basis; and	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 9(3), first subparagraph, point (b)				
g	219 (b) network users who wish to re-sell or sublet their unused contracted capacity on the secondary market shall be entitled to do so.	(b) network users who wish to re-sell or sublet their unused contracted capacity on the secondary market shall be entitled to do so.	(b) network users who wish to re-sell or sublet their unused contracted capacity on the secondary market shall be entitled to do so.	g
Article 9(3), second subparagraph				
g	220 As regards the first subparagraph, point (a), a Member State may require notification or information of the transmission system operator by network users.	As regards the first subparagraph, point (a), a Member State may require notification or information of the transmission system operator by network users.	As regards the first subparagraph, point (a), a Member State may require notification or information of the transmission system operator by network users.	g
Article 9(4)				
g	221 4. Transmission system operators shall regularly assess market demand for new investment taking into account the joint scenario as developed for the integrated network development plan based on Article 51 of [recast Gas Directive as proposed in COM(2021) xxx] as well as security of supply.	4. Transmission system operators shall regularly assess market demand for new investment taking into account the joint scenario as developed for the integrated network development plan based on Article 51 of [recast Gas Directive as proposed in COM(2021) xxx] as well as security of supply.	4. Transmission system operators shall regularly assess market demand for new investment taking into account the joint scenario as developed for the integrated network development plan based on Article 51 of [recast Gas Directive as proposed in COM(2021) xxx] as well as security of supply.	g
Article 10				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
222	Article 10 Principles of capacity-allocation mechanisms and congestion-management procedures concerning natural gas storage, hydrogen terminals, hydrogen storage facilities and LNG facilities	Article 10 Principles of capacity-allocation mechanisms and congestion-management procedures concerning natural gas storage, hydrogen terminals, hydrogen storage facilities and LNG facilities	Article 10 Principles of capacity-allocation mechanisms and congestion-management procedures concerning natural gas storage, hydrogen terminals, hydrogen storage facilities and LNG facilities	
Article 10(1)				
223	1. The maximum capacity of a natural gas storage and LNG or hydrogen storage facility as well as of hydrogen terminals shall be made available to market participants, taking into account system integrity and operation.	1. The maximum capacity of a natural gas storage and LNG or hydrogen storage facility as well as of hydrogen terminals shall be made available to market participants, taking into account system integrity and operation.	1. The maximum capacity of a natural gas storage and LNG facility, LNG facility or hydrogen storage facility as well as of hydrogen terminals shall be made available to market participants, taking into account system integrity and operation.	
Article 10(2)				
224	2. LNG and hydrogen storage facilities as well as hydrogen terminal and natural gas storage system operators shall implement and publish non-discriminatory and transparent capacity-allocation mechanisms which shall:	2. LNG and hydrogen storage facilities as well as hydrogen terminal and natural gas storage system operators shall implement and publish non-discriminatory and transparent capacity-allocation mechanisms which shall:	2. Operators of LNG and hydrogen storage facilities as well as hydrogen terminal and natural gas storage system operators shall implement and publish non-discriminatory and transparent capacity-allocation mechanisms which shall:	
Article 10(2), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	225	(a) provide appropriate economic signals for the efficient and maximum use of capacity and facilitate investment in new infrastructure;	(a) provide appropriate economic signals for the efficient and maximum use of capacity and facilitate investment in new infrastructure;	(a) provide appropriate economic signals for the efficient and maximum use of capacity and facilitate investment in new infrastructure;	G
Article 10(2), point (b)					
	226	(b) be compatible with the market mechanism including spot markets and trading hubs, while being flexible and capable of adapting to evolving market circumstances;	(b) be compatible with the market mechanism including spot markets and trading hubs, while being flexible and capable of adapting to evolving market circumstances;	(b) be compatible with the market mechanism mechanisms including spot markets and trading hubs, while being flexible and capable of adapting to evolving market circumstances;	
Article 10(2), point (c)					
G	227	(c) be compatible with the connected network access systems.	(c) be compatible with the connected network access systems.	(c) be compatible with the connected network access systems.	G
Article 10(3)					
G	228	3. Contracts for LNG terminals, hydrogen terminals, and hydrogen and natural gas storage facilities shall include measures to prevent capacity-hoarding, by taking into account the following principles, which shall apply in cases of contractual congestion:	3. Contracts for LNG terminals, hydrogen terminals, and hydrogen and natural gas storage facilities shall include measures to prevent capacity-hoarding, by taking into account the following principles, which shall apply in cases of contractual congestion:	3. Contracts for LNG terminals, hydrogen terminals, and hydrogen and natural gas storage facilities shall include measures to prevent capacity-hoarding, by taking into account the following principles, which shall apply in cases of contractual congestion:	G
Article 10(3), point (a)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
229	(a) the system operator shall offer unused LNG facility, hydrogen terminal and storage capacity on the primary market without delay; for storage facilities this shall be at least on a day-ahead and interruptible basis;	(a) the system operator shall offer unused LNG facility, hydrogen terminal and storage capacity on the primary market without delay; for storage facilities this shall be at least on a day-ahead and interruptible basis;	(a) the system operator shall offer unused LNG facility, hydrogen terminal and storage capacity on the primary market without delay; for natural gas storage facilities this shall be at least on a day-ahead and interruptible basis;	
Article 10(3), point (b)				
230	(b) LNG facility, hydrogen terminal and storage facility users who wish to re-sell their contracted capacity on the secondary market shall be entitled to do so; LNG facility, hydrogen terminal and storage system operators, individually or regionally, shall ensure a transparent and non-discriminatory booking platform for LNG facility, hydrogen terminal and storage facility users to re-sell their contracted capacity on the secondary market no later than 18 months after [date of entry into force of this Regulation].	(b) LNG facility, hydrogen terminal and storage facility users who wish to re-sell their contracted capacity on the secondary market shall be entitled to do so; LNG facility, hydrogen terminal and storage system operators, individually or regionally, shall ensure a transparent and non-discriminatory booking platform for LNG facility, hydrogen terminal and storage facility users to re-sell their contracted capacity on the secondary market no later than 18 months after [date of entry into force of this Regulation].	(b) LNG facility, hydrogen terminal and storage facility Users who wish to re-sell their contracted capacity on the secondary market shall be entitled to do so; LNG facility, hydrogen terminal, hydrogen storage and natural gas and storage system operators, individually or regionally, shall ensure the availability of a transparent and non-discriminatory booking platform for LNG facility, hydrogen terminal, hydrogen storage facility and natural gas and storage facility users to re-sell their contracted capacity on the secondary market no later than 18 months after [date of entry into force of this Regulation].	
Article 11				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
231	Article 11 Trading of capacity rights	Article 11 Trading of capacity rights	Article 11 Trading of capacity rights	
Article 11, first paragraph				
232	Each transmission, storage, LNG and hydrogen system operator shall take reasonable steps to allow capacity rights to be freely tradable and to facilitate such trade in a transparent and non-discriminatory manner. Every such operator shall develop harmonised contracts and procedures for transport, LNG facility, hydrogen terminals and natural gas and hydrogen storage facilities on the primary market to facilitate secondary trade of capacity and shall recognise the transfer of primary capacity rights where notified by system users.	Each transmission, storage, LNG and hydrogen system operator shall take reasonable steps to allow capacity rights to be freely tradable and to facilitate such trade in a transparent and non-discriminatory manner. Every such operator shall develop harmonised contracts and procedures for transport, LNG facility, hydrogen terminals and natural gas and hydrogen storage facilities on the primary market to facilitate secondary trade of capacity and shall recognise the transfer of primary capacity rights where notified by system users.	Each transmission, storage, LNG and hydrogen system operator shall take reasonable steps to allow capacity rights to be freely tradable and to facilitate such trade in a transparent and non-discriminatory manner. Every such operator shall develop harmonised contracts and procedures for transport, LNG facility facillities , hydrogen terminals and natural gas and hydrogen storage facilities on the primary market to facilitate secondary trade of capacity and shall recognise the transfer of primary capacity rights where notified by system users.	
Article 11, second paragraph				
233	The harmonised contracts and procedures shall be notified to the regulatory authorities.	The harmonised contracts and procedures shall be notified to the regulatory authorities.	The harmonised contracts and procedures shall be notified to the regulatory authorities.	
Article 12				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	234	Article 12 Balancing rules and imbalance charges	Article 12 Balancing rules and imbalance charges	Article 12 Balancing rules and imbalance charges	G
Article 12(1)					
G	235	1. Balancing rules shall be designed in a fair, non-discriminatory and transparent manner and shall be based on objective criteria. Balancing rules shall reflect genuine system needs taking into account the resources available to the transmission system operator. Balancing rules shall be market-based.	1. Balancing rules shall be designed in a fair, non-discriminatory and transparent manner and shall be based on objective criteria. Balancing rules shall reflect genuine system needs taking into account the resources available to the transmission system operator. Balancing rules shall be market-based.	1. Balancing rules shall be designed in a fair, non-discriminatory and transparent manner and shall be based on objective criteria. Balancing rules shall reflect genuine system needs taking into account the resources available to the transmission system operator. Balancing rules shall be market-based.	G
Article 12(2), first subparagraph					
G	236	2. In order to enable network users to take timely corrective action, the transmission system operator shall provide sufficient, well-timed and reliable on-line based information on the balancing status of network users.	2. In order to enable network users to take timely corrective action, the transmission system operator shall provide sufficient, well-timed and reliable on-line based information on the balancing status of network users.	2. In order to enable network users to take timely corrective action, the transmission system operator shall provide sufficient, well-timed and reliable on-line based information on the balancing status of network users.	G
Article 12(2), second subparagraph					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	237	The information provided shall reflect the level of information available to the transmission system operator and the settlement period for which imbalance charges are calculated.	The information provided shall reflect the level of information available to the transmission system operator and the settlement period for which imbalance charges are calculated.	The information provided shall reflect the level of information available to the transmission system operator and the settlement period for which imbalance charges are calculated.	G
Article 12(2), third subparagraph					
G	238	No charge shall be made for the provision of information under this paragraph.	No charge shall be made for the provision of information under this paragraph.	No charge shall be made for the provision of information under this paragraph.	G
Article 12(3), first subparagraph					
G	239	3. Imbalance charges shall be cost-reflective to the extent possible, whilst providing appropriate incentives on network users to balance their input and off-take of gas. They shall avoid cross-subsidisation between network users and shall not hamper the entry of new market entrants.	3. Imbalance charges shall be cost-reflective to the extent possible, whilst providing appropriate incentives on network users to balance their input and off-take of gas. They shall avoid cross-subsidisation between network users and shall not hamper the entry of new market entrants.	3. Imbalance charges shall be cost-reflective to the extent possible, whilst providing appropriate incentives on network users to balance their input and off-take of gas. They shall avoid cross-subsidisation between network users and shall not hamper the entry of new market entrants.	G
Article 12(3), second subparagraph					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	240	Any calculation methodology for imbalance charges as well as the final values shall be made public by the competent authorities or the transmission system operator, as appropriate.	Any calculation methodology for imbalance charges as well as the final values shall be made public by the competent authorities or the transmission system operator, as appropriate.	Any calculation methodology for imbalance charges as well as the final values shall be made public by the competent authorities or the transmission system operator, as appropriate.
Article 12(4)				
G	241	4. Member States shall ensure that transmission system operators endeavour to harmonise balancing regimes and streamline structures and levels of balancing charges in order to facilitate gas trade carried out at the virtual trading point.	4. Member States shall ensure that transmission system operators endeavour to harmonise balancing regimes and streamline structures and levels of balancing charges in order to facilitate gas trade carried out at the virtual trading point.	4. Member States shall ensure that transmission system operators endeavour to harmonise balancing regimes and streamline structures and levels of balancing charges in order to facilitate gas trade carried out at the virtual trading point.
Article 13				
G	242	Article 13 Certification of transmission system operators and hydrogen network operators	Article 13 Certification of transmission system operators and hydrogen network operators	Article 13 Certification of transmission system operators and hydrogen network operators
Article 13(1), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
243	1. The Commission shall examine any notification of a decision on the certification of a transmission system operator or a hydrogen network operator as laid down in Article 65(6) of [the recast gas Directive as proposed in COM(2021)xxx] as soon as it is received. Within two months of the day of receipt of such notification, the Commission shall deliver its opinion to the relevant regulatory authority in regard to its compatibility with Article 65(2) or Article 66, and Article 54 of Recast Gas Directive for transmission system operators, and Article 65 of that Directive for hydrogen network operators.	1. The Commission shall examine any notification of a decision on the certification of a transmission system operator or a hydrogen network operator as laid down in Article 65(6) of [the recast gas Directive as proposed in COM(2021)xxx] as soon as it is received. Within two months of the day of receipt of such notification, the Commission shall deliver its opinion to the relevant regulatory authority in regard to its compatibility with Article 65(2) or Article 66, and Article 54 of Recast Gas Directive for transmission system operators, and Article 65 of that Directive for hydrogen network operators.	1. The Commission shall examine any notification of a decision on the certification of a transmission system operator or a hydrogen network operator as laid down in Article 65(6) of [the recast gas Directive as proposed in COM(2021)xxx] as soon as it is received. Within two months of the day of receipt of such notification, the Commission shall deliver its opinion to the relevant regulatory authority in regard to its compatibility with Article 65(2) or Article 66, and Article 54 of Recast Gas Directive for transmission system operators, and Article 65 62 of that Directive for hydrogen network operators.	
Article 13(1), second subparagraph				
244	When preparing the opinion referred to in the first subparagraph, the Commission may request ACER to provide its opinion on the regulatory authority's decision. In such a case, the two-month period referred to in the first subparagraph shall be extended by two further months.	When preparing the opinion referred to in the first subparagraph, the Commission may request ACER to provide its opinion on the regulatory authority's decision. In such a case, the two-month period referred to in the first subparagraph shall be extended by two further months.	When preparing the opinion referred to in the first subparagraph, the Commission may request ACER to provide its opinion on the regulatory authority's decision. In such a case, the two-month period referred to in the first subparagraph shall be extended by two further months.	
Article 13(1), third subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
g	245	In the absence of an opinion by the Commission within the periods referred to in the first and second subparagraphs, the Commission shall be deemed not to raise objections against the regulatory authority's decision.	In the absence of an opinion by the Commission within the periods referred to in the first and second subparagraphs, the Commission shall be deemed not to raise objections against the regulatory authority's decision.	In the absence of an opinion by the Commission within the periods referred to in the first and second subparagraphs, the Commission shall be deemed not to raise objections against the regulatory authority's decision.
Article 13(2)				
g	246	2. Within two months of receiving an opinion of the Commission, the regulatory authority shall adopt its final decision regarding the certification of the transmission system operator or hydrogen network operator, taking the utmost account of that opinion. The regulatory authority's decision and the Commission's opinion shall be published together.	2. Within two months of receiving an opinion of the Commission, the regulatory authority shall adopt its final decision regarding the certification of the transmission system operator or hydrogen network operator, taking the utmost account of that opinion. The regulatory authority's decision and the Commission's opinion shall be published together.	2. Within two months of receiving an opinion of the Commission, the regulatory authority shall adopt its final decision regarding the certification of the transmission system operator or hydrogen network operator, taking the utmost account of that opinion. The regulatory authority's decision and the Commission's opinion shall be published together.
Article 13(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
247	3. At any time during the procedure regulatory authorities or the Commission may request from a transmission system operator, hydrogen network operator and/or an undertaking performing any of the functions of production or supply any information relevant to the fulfilment of their tasks under this Article.	3. At any time during the procedure regulatory authorities or the Commission may request from a transmission system operator, hydrogen network operator and/or an undertaking performing any of the functions of production or supply any information relevant to the fulfilment of their tasks under this Article.	3. At any time during the procedure regulatory authorities or the Commission may request from a transmission system operator, a hydrogen network operator and/or an undertaking performing any of the functions of production or supply any information relevant to the fulfilment of their tasks under this Article.	
Article 13(4)				
248	4. Regulatory authorities and the Commission shall preserve the confidentiality of commercially sensitive information.	4. Regulatory authorities and the Commission shall preserve the confidentiality of commercially sensitive information.	4. Regulatory authorities and the Commission shall preserve the confidentiality of commercially sensitive information.	
Article 13(5)				
249	5. The Commission is empowered to adopt delegated acts in accordance with Article 63 to provide guidelines setting out the details of the procedure to be followed for the application of paragraphs 1 and 2 of this Article.	5. The Commission is empowered to adopt delegated acts in accordance with Article 63 to provide guidelines setting out the details of the procedure to be followed for the application of paragraphs 1 and 2 of this Article.	5. The Commission is empowered to adopt delegated acts in accordance with Article 63 to provide supplement this Regulation by providing guidelines setting out the details of the procedure to be followed for the application of paragraphs 1 and 2 of this Article.	
Article 13(6)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
250	6. Where the Commission has received notification of the certification of a transmission system operator under Article 54(10) of recast Gas Directive as proposed in COM(2021) xxx, the Commission shall take a decision relating to certification. The regulatory authority shall comply with the Commission decision.	6. Where the Commission has received notification of the certification of a transmission system operator under Article 54(10) of recast Gas Directive as proposed in COM(2021) xxx, the Commission shall take a decision relating to certification. The regulatory authority shall comply with the Commission decision.	6. Where the Commission has received notification of the certification of a transmission system operator under Article 54(10) of recast Gas Directive as proposed in COM(2021) xxx, the Commission shall take a decision relating to certification. The regulatory authority shall comply with the Commission decision.	
250a			<p>Article 13a Article 13a¹ Certification of storage system operators</p> <p>1. The whole article incorporates in the text the provision of Article 3a as introduced in the 2009 Gas regulation by Regulation (EU) 2022/1032. [Cross referencing will be adapted at a later stage].</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
250b			<p>1. Member States shall ensure that each storage system operator, including any storage system operator controlled by a transmission system operator, is certified in accordance with the procedure laid down in this Article, either by the national regulatory authority or by another competent authority designated by the Member State concerned pursuant to Article 3(2) of Regulation (EU) 2017/1938 of the European Parliament and of the Council¹ (in either case, "certifying authority").</p> <p><small>¹ 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).²"</small></p>	
250c			<p>This Article also applies to storage system operators controlled by transmission system operators which have already been certified under the unbundling rules laid down in Articles 9, 10 and 11 of Directive 2009/73/EC.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
250d			<p>2. The certifying authority shall issue a draft certification decision in respect of storage system operators that operate underground gas storage facilities with a capacity of over 3,5 TWh where, regardless of the number of storage system operators, total storage facilities 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 by 1 February 2023 or within 150 working days of the date of receipt of a notification pursuant to paragraph 9.</p>	
250e			<p>In respect of storage system operators as referred to in the first subparagraph, the certifying authority shall make its best efforts to issue a draft certification decision by 1 November 2022.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
250f			In respect of all other storage system operators, the certifying authority shall issue a draft certification decision by 2 January 2024 or within 18 months of the date of receipt of a notification pursuant to paragraph 8 or 9.	
250g			3. In considering the risk to the security of energy supply in the Union, the certifying authority shall take into account any security of gas supply risk at national, regional or Union-wide level as well as any mitigation of such risk, resulting, inter alia, from:	
250h			(a) ownership, supply or other commercial relationships that could negatively affect the incentives and the ability of the storage system operator to fill the underground gas storage facility;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
250i			(b) the rights and obligations of the Union with respect to a third country arising under international law, including any agreement concluded with one or more third countries to which the Union is a party and which addresses the issue of the security of energy supply;	
250j			(c) the rights and obligations of the Member States concerned with respect to a third country arising under agreements concluded by the Member States concerned with one or more third countries, in so far as those agreements comply with Union law; or	
250k			(d) any other specific facts and circumstances of the case.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
2501			<p>4. If the certifying authority concludes that a person who directly or indirectly controls, or exercises any right over, the storage system operator within the meaning of Article 9 of [recast Directive] could endanger the security of energy supply or the essential security interests of the Union or of any Member State, the certifying authority shall refuse the certification. Alternatively, the certifying authority may issue a certification decision subject to conditions to ensure the sufficient mitigation of the risks which could negatively influence the filling of the underground gas storage facilities, provided that the practicability of the conditions can be fully ensured by effective implementation and monitoring. Such conditions may include, in particular, a requirement that the storage system owner or storage system operator transfer management of the storage system.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
250m			<p>5. Where the certifying authority concludes that the gas supply risks cannot be mitigated by conditions pursuant to paragraph 4, including by requiring the storage system owner or storage system operator to transfer management of the storage system, and therefore refuses the certification, it shall:</p>	
250n			<p>(a) require the storage system owner or storage system operator or any person that it considers could endanger the security of energy supply or the essential security interests of the Union or of any Member State to dispose of the shareholding or rights they have over the storage system ownership or storage system operator ownership, and set a time limit for such disposal;</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
250o			(b) order, where appropriate, interim measures, to ensure that such a person is not able to exercise any control or right over that storage system owner or storage system operator until the disposal of the shareholding or rights; and	
250p			(c) provide for appropriate compensatory measures in accordance with national law.	
250q			6. The certifying authority shall notify its draft certification decision to the Commission without delay, together with all relevant information.	
250r			7. The certifying authority shall issue the certification decision within 25 working days of receipt of the Commission's opinion.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
250s			8. Before a newly built underground gas storage facility is put into operation, the storage system operator shall be certified in accordance with paragraphs 1 to 7. The storage system operator shall notify the certifying authority of its intention to put the storage facility into operation.	
250t			9. Storage system operators shall notify the relevant certifying authority of any planned transaction which would require a reassessment of their compliance with the certification requirements set out in paragraphs 1 to 4.	
250u			10. Certifying authorities shall continuously monitor storage system operators as regards compliance with the certification requirements set out in paragraphs 1 to 4. They shall open a certification procedure to reassess compliance in any of the following circumstances:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
250v			(a) upon receipt of a notification by the storage system operator pursuant to paragraph 8 or 9;	
250w			(b) on their own initiative where they have knowledge that a planned change in rights or in influence over a storage system operator could lead to non-compliance with the requirements of paragraphs 1, 2 and 3;	
250x			(c) upon a reasoned request from the Commission.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
250y			<p>11. Member States shall take all necessary measures to ensure the continuous operation of the underground gas storage facilities on their respective territories. Those underground gas storage facilities may cease operations only where technical and safety requirements are not met or where the certifying authority concludes, after having conducted an assessment and having taken into account the opinion of the ENTSO for Gas, that such a cessation would not weaken the security of gas supply at Union or national level.</p>	
250z			<p>Appropriate compensatory measures shall be taken, where appropriate, if cessation of operations is not allowed.</p>	
250aa			<p>12. The Commission may issue guidance on the application of this Article.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
250ab			13. This Article shall not apply to parts of LNG facilities that are used for storage.	
Article 14				
251	Article 14 Cooperation of transmission system operators	Article 14 Cooperation of transmission system operators	Article 14 Cooperation of transmission system operators	
Article 14(1)				
252	1. Transmission system operators shall cooperate with other transmission system and infrastructure operators in coordinating the maintenance of their respective networks in order to minimise any disruption of transmission services to network users and transmission system operators in other areas.	1. Transmission system operators shall cooperate with other transmission system and infrastructure operators in coordinating the maintenance of their respective networks in order to minimise any disruption of transmission services to network users and transmission system operators in other areas.	1. Transmission system operators shall cooperate with other transmission system and infrastructure operators in coordinating the maintenance of their respective networks in order to minimise any disruption of transmission services to network users and transmission system operators in other areas.	
Article 14(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	253 2. Transmission system operators shall cooperate with each other as well as with other infrastructure operators with the objective to maximise technical capacity within the entry-exit system and minimize the use of fuel gas to the extent possible.	2. Transmission system operators shall cooperate with each other as well as with other infrastructure operators with the objective to maximise technical capacity within the entry-exit system and minimize the use of fuel gas to the extent possible.	2. Transmission system operators shall cooperate with each other as well as with other infrastructure operators with the objective to maximise technical capacity within the entry-exit system and minimize the use of fuel gas to the extent possible.	
Section 2				
G	254 Section 2 Network access	Section 2 Network access	Section 2 Network access	
Article 15				
G	255 Article 15 Tariffs for access to networks	Article 15 Tariffs for access to networks	Article 15 Tariffs for access to networks	
Article 15(1), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
256	1. Tariffs, or the methodologies used to calculate them, applied by the transmission system operators and approved by the regulatory authorities pursuant to Article 72(7) of Recast Gas Directive, as well as tariffs published pursuant to Article 27(1) of that Directive, shall be transparent, take into account the need for system integrity and its improvement and reflect the actual costs incurred, insofar as such costs correspond to those of an efficient and structurally comparable network operator and are transparent, whilst including an appropriate return on investments. Tariffs, or the methodologies used to calculate them, shall be applied in a non discriminatory manner.	1. Tariffs, or the methodologies used to calculate them, applied by the transmission system operators and approved by the regulatory authorities pursuant to Article 72(7) of Recast Gas Directive, as well as tariffs published pursuant to Article 27(1) of that Directive, shall be transparent, take into account the need for system integrity and its improvement and reflect the actual costs incurred, insofar as such costs correspond to those of an efficient and structurally comparable network operator and are transparent, whilst including an appropriate return on investments. Tariffs, or the methodologies used to calculate them, shall be applied in a non discriminatory manner.	1. Tariffs, or the methodologies used to calculate them, applied by the transmission system operators and approved by the regulatory authorities pursuant to Article 72(7) of Recast Gas Directive, as well as tariffs published pursuant to Article 27(1) of that Directive, shall be transparent, take into account the need for system integrity and its improvement and reflect the actual costs incurred, insofar as such costs correspond to those of an efficient and structurally comparable network operator and are transparent, whilst including an appropriate return on investments. Tariffs, or the methodologies used to calculate them, shall be applied in a non discriminatory manner.	
Article 15(1), second subparagraph				
257	Tariffs may also be determined through market-based arrangements, such as auctions, provided that such arrangements and the revenues arising therefrom are approved by the regulatory authority.	Tariffs may also be determined through market-based arrangements, such as auctions, provided that such arrangements and the revenues arising therefrom are approved by the regulatory authority.	Tariffs may also be determined through market-based arrangements, such as auctions, provided that such arrangements and the revenues arising therefrom are approved by the regulatory authority.	
Article 15(1), third subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
258	Tariffs, or the methodologies used to calculate them, shall facilitate efficient gas trade and competition, while at the same time avoiding cross-subsidies between network users and providing incentives for investment and maintaining or creating interoperability for transmission networks.	Tariffs, or the methodologies used to calculate them, shall facilitate efficient gas trade and competition, while at the same time avoiding cross-subsidies between network users and providing incentives for investment and maintaining or creating interoperability for transmission networks. <u><i>They shall aim to avoid creating incentives for the practice of blending hydrogen into the natural gas system for the purpose of increasing the volume of natural gas transported or stored or of prolonging the lifetime of natural gas infrastructure.</i></u>	Tariffs, or the methodologies used to calculate them, shall facilitate efficient gas trade and competition, while at the same time avoiding cross-subsidies between network users and providing incentives for investment and maintaining or creating interoperability for transmission networks.	
Article 15(1), fourth subparagraph				
259	Tariffs for network users shall be non-discriminatory and set separately for every entry point into or exit point out of the transmission system. Cost-allocation mechanisms and rate setting methodology regarding entry points and exit points shall be approved by the regulatory authorities. Member States shall ensure that network charges shall not be calculated on the basis of contract paths.	Tariffs for network users shall be non-discriminatory and set separately for every entry point into or exit point out of the transmission system. Cost-allocation mechanisms and rate setting methodology regarding entry points and exit points shall be approved by the regulatory authorities. Member States shall ensure that network charges shall not be calculated on the basis of contract paths.	Tariffs for network users shall be non-discriminatory and set separately for every entry point into or exit point out of the transmission system. Cost-allocation mechanisms and rate setting methodology regarding entry points and exit points shall be approved by the regulatory authorities. Member States shall ensure that network charges shall not be calculated on the basis of contract paths.	
Article 15(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
260	<p>2. Tariffs for network access shall neither restrict market liquidity nor distort trade across borders of different transmission systems. Where differences in tariff structures would hamper trade across transmission systems, and notwithstanding Article 72(7) of Recast Gas Directive, transmission system operators shall, in close cooperation with the relevant national authorities, actively pursue convergence of tariff structures and charging principles.</p>	<p>2. Tariffs for network access shall neither restrict market liquidity nor distort trade across borders of different transmission systems. Where differences in tariff structures would hamper trade across transmission systems, and notwithstanding Article 72(7) of Recast Gas Directive, transmission system operators shall, in close cooperation with the relevant national authorities, actively pursue convergence of tariff structures and charging principles.</p>	<p>2. Tariffs for network access shall neither restrict market liquidity nor distort trade across borders of different transmission systems. Where differences in tariff structures would hamper trade across transmission systems, and notwithstanding Article 72(7) of Recast Gas Directive, transmission system operators shall, in close cooperation with the relevant national authorities, actively pursue convergence of tariff structures and charging principles.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
260a		<p><u><i>2a. The regulatory authority may apply a discount of up to 100% to capacity-based transmission and distribution tariffs at entry points from and exit points to underground storage facilities and LNG facilities, unless and to the extent that such a facility is connected to more than one transmission or distribution network and is used to compete with an interconnection point. The Commission shall re-examine that tariff discount by ... [five years after the date of entry into force of this Regulation]. The Commission shall assess whether the level of the discount set out in this paragraph remains adequate for the purpose of increasing security of supply and in light of the storage obligation pursuant to Article 6a of Regulation (EU) 2017/1938 of the European Parliament and of the Council¹.</i></u></p> <p><u><i>1. 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).</i></u></p>		
Article 15(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
260b			<p>3. ¹ The national regulatory authority may apply a discount of up to 100 % to capacity-based transmission and distribution tariffs at entry points from, and exit points to, underground gas storage facilities and LNG facilities, unless and to the extent that such a facility which is connected to more than one transmission or distribution network is used to compete with an interconnection point. This paragraph shall apply until 31 December 2025.</p> <p><u>1. From Regulation (EU) 2022/1032</u></p>	
Article 15(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
260c			<p>4. Regulatory authorities may merge adjacent entry-exit systems with a view to enable a full or partial regional integration where tariffs can be abolished at the interconnection points between the concerning entry-exit systems. Following the public consultation by the regulatory authorities or the transmission system operators, the regulatory authorities may approve a common tariff and an effective compensation mechanism between transmission system operators for the redistribution of costs on account of the abolished interconnection points.</p>	
Article 16				
261	Article 16 Tariff discounts for renewable and low carbon gases	Article 16 Tariff discounts for renewable <u>gas</u> and low carbon <u>gasesgas</u>	Article 16 Tariff discounts for renewable and low carbon gases	
261a		<u>Regulatory authorities shall assess whether to offer support to lower grid connection costs and fees for renewable gas and low-carbon gas production facilities.</u>		
Article 16(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
262	1. When setting tariffs, a discount for renewable and low carbon gases shall be applied to:	<i>deleted</i>	1. When setting tariffs, a discount for renewable and low carbon gases shall be applied to:	
Article 16(1), point (a)				
263	(a) entry points from renewable and low carbon production facilities. A discount of 75% shall be applied to the respective capacity-based tariffs for the purposes of scaling-up the injection of renewable and low-carbon gases;	<i>deleted</i>	(a) entry points from renewable and low carbon production facilities. A discount of 75% [100]% shall be applied to the respective capacity-based tariffs for the purposes of scaling-up the injection of renewable gases and a discount of [75]% to and low-carbon gases;	
Article 16(1), point (b)				
264	(b) capacity-based transmission tariffs at entry points from and exit points to storage facilities, unless a storage facility is connected to more than one transmission or distribution network and used to compete with an interconnection point. Such a discount shall be set at a level of 75% in the Member States where the renewable and low carbon gas was first injected into system.	<i>deleted</i>	(b) capacity-based transmission tariffs at entry points from and exit points to storage facilities, unless a storage facility is connected to more than one transmission or distribution network and used to compete with an interconnection point. Such a discount shall be set at a level of 75% [100]% in the Member States where the renewable and low carbon gas was first injected into the system.	
Article 16(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
265	2. Regulatory authorities may set discount rates lower than those set in paragraph 1 of this Article provided that the discount is in line with the general tariff principles as set out in Article 15 and in particular the principle of cost-reflectiveness, taking into account a need for stable financial frameworks for existing investments where appropriate, and the advancement of the roll-out of renewable and low-carbon gases in the Member State concerned.	<i>deleted</i>	<i>paragraph moved to the end of article (line 273a) and modified</i>	
Article 16(3)				
266	3. Details on the discounts granted in accordance with paragraph 1 may be set in the network code on tariff structures as referred to in Article 52(1), point (e).	<i>deleted</i>	3. Details on the discounts granted in accordance with paragraph 1 may be set in the network code on tariff structures as referred to in Article 52(1) 53(1) , point (e).	
Article 16(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
267	<p>4. The Commission shall re-examine the tariff reductions pursuant to paragraph 1 [5 years after entry into force of the Regulation]. It shall issue a report providing an overview of their implementation and assess whether the level of the reductions set in paragraph 1 is still adequate in view of the latest market developments. The Commission shall be empowered to adopt delegated acts in accordance with Article 63 in order to change the discount levels as set in paragraph 1.</p>	<p><i>deleted</i></p>	<p>4. The Commission shall re-examine the tariff reductions pursuant to paragraph 1 and 5 [5 years after entry into force of the Regulation]. It shall issue a report providing an overview of their implementation and assess whether the level of the reductions set in paragraph 1 and 5 is still adequate in view of the latest market developments. The Commission shall be empowered to adopt delegated acts in accordance with Article 63 in order to change to amend this Regulation by changing the discount levels as set in paragraph 1 and 5.</p>	
Article 16(5), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
268	<p>5. As of 1 January in the year after the adoption, network users shall receive a discount of 100% on the regulated tariff from the transmission system operator at all interconnection points, including entry points from and exit points to third countries as well as entry points from LNG terminals for renewable and low-carbon gases, after providing the respective transmission system operator with a proof of sustainability, based on a valid sustainability certificate pursuant to Articles 29 and 30 of Directive (EU) 2018/2001 of the European Parliament and of the Council¹ and registered in the Union database.</p> <p>¹ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).</p>	<i>deleted</i>	<p>5. As of 1 January in the[year after the adoption], network users shall receive a discount of 100%[100]% on the regulatedcapacity-based tariff from the transmission system operator at all interconnection points, including entry points from and exit points to third countries as well as entry points from LNG terminals for renewable and between Member States, for renewable gases and [75]% for low-carbon gases, after providing the respective transmission system operator with a proof of sustainability, based on a valid sustainability certificate pursuant to Articles 29 and 30 of Directive (EU) 2018/2001 of2018/2001 of the European Parliament and of the Council¹ and registered in the Union database.</p> <p>¹ Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).</p>	
Article 16(5), second subparagraph				
269	With regard to this discount:	<i>deleted</i>	With regard to this the discount referred to in the first subparagraph:	
Article 16(5), second subparagraph, point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
270	(a) Transmission system operators shall be required to provide the discount only for the shortest possible route in terms of border crossings between the location of where the specific proof of sustainability declaration, based on the sustainability certificate, was first recorded in the Union database and where it has been cancelled as considered consumed. Any potential auction premium shall not be covered by the discount.	<i>deleted</i>	(a) Transmission system operators shall be required to provide the discount only for the shortest possible route in terms of border crossings between the location of where the specific proof of sustainability declaration, based on the sustainability certificate, was first recorded in the Union database and where it has been cancelled as considered consumed. Any potential auction premium shall not be covered by the discount.	
Article 16(5), second subparagraph, point (b)				
271	(b) Transmission system operators shall provide information on actual and expected volumes of renewable and low carbon gases and the effect of applying the tariff discount on their revenues towards the respective regulatory authority. Regulatory authorities shall monitor and assess the impact of the discount on tariff stability.	<i>deleted</i>	(b) Transmission system operators shall provide information on actual and expected volumes of renewable and low carbon gases and the effect of applying the tariff discount on their revenues towards the respective regulatory authority. Regulatory authorities shall monitor and assess the impact of the discount on tariff stability.	
Article 16(5), second subparagraph, point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
272	<p>(c) Once the revenue of a transmission system operator from these specific tariffs is reduced by 10% as a result of applying the discount, the affected and all neighbouring transmission system operators are required to negotiate an inter transmission system operator compensation mechanism. The system operators concerned shall agree within 3 years. Where within that time period no agreement is reached, the involved regulatory authorities shall decide jointly on an appropriate inter transmission system operator compensation mechanism within 2 years. In absence of agreement among the regulatory authorities, Article 6 of ACER Regulation shall apply. Where the regulatory authorities have not been able to reach agreement within 2 years, or upon their joint request, ACER shall decide, in accordance with the second subparagraph of Article 6(10) of Regulation (EU) 2019/942.</p>	<p><i>deleted</i></p>	<p>(c) Once the revenue of a transmission system operator from these specific tariffs is reduced by 10% as a result of applying the discount, the affected and all neighbouring transmission system operators are required to shall negotiate an inter transmission system operator compensation mechanism. The transmission system operators concerned shall agree within 3 years. Where within that time period no agreement is reached, the involved regulatory authorities shall decide jointly on an appropriate inter transmission system operator compensation mechanism within 2 years. In absence of agreement among the regulatory authorities, Article 6 of ACER Regulation shall apply. Where the regulatory authorities have not been able to reach agreement within 2 years, or upon their joint request, ACER shall decide, in accordance with the second subparagraph of Article 6(10) of Regulation (EU) 2019/942.</p>	
Article 16(5), second subparagraph, point (d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
273	(d) Further details required to implement the discount for renewable and low carbon gases, such as the calculation of the eligible capacity for which the discount applies and the required processes, shall be set in a network code established on the basis of Article 53 of this Regulation.	<i>deleted</i>	(d) Further details required to implement the discount for renewable and low carbon gases, such as the calculation of the eligible capacity for which the discount applies and the required processes, shall be set in a network code established on the basis of Article 53 of this Regulation.	
Article 16(6)				
273a			<p>6. By way of derogation from paragraphs 1 and 5, regulatory authorities may decide not to apply discounts or to set discount rates lower than those set in paragraph 1 and 5 provided that it is in line with the general tariff principles as set out in Article 15 and in particular the principle of cost-reflectiveness, taking into account the need for stable financial frameworks for existing investments, the advancement of the roll-out of renewable and low-carbon gases in the Member State concerned and the existence of alternative support mechanisms for scaling up the use of renewable or low carbon gases, where appropriate.</p> <p>Moved from paragraph 2 (line 265) and modified</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 17				
274	Article 17 Revenues of gas transmission system operators	Article 17 Revenues of gas transmission system operators	Article 17 Revenues of gas-transmission system operators	
Article 17(1)				
275	1. As of [1 year after transposition], the relevant regulatory authority shall ensure transparency on the methodologies, parameters and values used to determine allowed or target revenues of transmission system operators. The regulatory authority shall publish the information referred to in Annex I, or shall require the publication by the relevant transmission system operator. This information shall be made available in a user-friendly format, and to the extent possible, in one or more commonly understood languages.	1. As of [1 year after transposition], the relevant regulatory authority shall ensure transparency on the methodologies, parameters and values used to determine allowed or target revenues of transmission system operators. The regulatory authority shall publish the information referred to in Annex I, or shall require the publication by the relevant transmission system operator. This information shall be made available in a user-friendly format, and to the extent possible, in one or more commonly understood languages.	1. As of [1 year after transposition adoption], the relevant regulatory authority shall ensure transparency on the methodologies, parameters and values used to determine allowed or target revenues of transmission system operators. The regulatory authority shall publish the information referred to in Annex I, or shall require the publication by the relevant transmission system operator subject to the protection of commercially sensitive data . This information shall be made available in a user-friendly freely accessible, downloadable and read only format, and to the extent possible, in one or more commonly understood languages.	
Article 17(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
276	<p>2. The costs of the transmission system operator shall be subject to an efficiency comparison between Union transmission system operators, to be appropriately defined by ACER. ACER shall publish on [3 years after transposition] and every four years thereafter a study comparing the efficiency of Union transmission system operators' costs. The relevant regulatory authorities and the transmission system operators shall provide ACER with all the data necessary for this comparison. The results of such comparison shall be taken into account by the relevant regulatory authorities, together with national circumstances, when periodically setting the allowed or target revenues of transmission system operators.</p>	<p>2. The costs of the transmission system operator shall be subject to an efficiency comparison between Union transmission system operators, to be appropriately defined by ACER. ACER shall publish on [3 years after transposition] and every four years thereafter a study comparing the efficiency of Union transmission system operators' costs. The relevant regulatory authorities and the transmission system operators shall provide ACER with all the data necessary for this comparison. The results of such comparison shall be taken into account by the relevant regulatory authorities, together with national circumstances, when periodically setting the allowed or target revenues of transmission system operators.</p>	<p>2. The costs of the transmission system operator shall be subject to an efficiency comparison between Union transmission system operators, to be appropriately defined by ACER. ACER shall publish on [3 years after transpositionadoption] and every four years thereafter a study comparing the efficiency of Union transmission system operators' costs and publish the main results, subject to the protection of commercially sensitive data. The relevant regulatory authorities and the transmission system operators shall provide ACER with all the data necessary for this comparison. The results of such comparison shall be taken into account by the relevant regulatory authorities, together with national circumstances, when periodically setting the allowed or target revenues of transmission system operators.</p>	
Article 17(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
277	3. The relevant regulatory authorities shall assess the long-term evolution of transmission tariffs based on the expected changes in their allowed or target revenues and in gas demand until 2050. To perform this assessment the regulatory authority shall include the information of the strategy described in the national energy and climate plans of the respective Member State and the scenarios underpinning the integrated network development plan as developed in accordance with Article 51 of [recast Gas Directive as proposed in COM(2021)xxx].	3. The relevant regulatory authorities shall assess the long-term evolution of transmission tariffs based on the expected changes in their allowed or target revenues and in gas demand until 2050. To perform this assessment the regulatory authority shall include the information of the strategy described in the national energy and climate plans of the respective Member State and the scenarios underpinning the integrated network development plan as developed in accordance with Article 51 of [recast Gas Directive as proposed in COM(2021)xxx].	3. The relevant regulatory authorities shall assess the long-term evolution of transmission tariffs based on the expected changes in their allowed or target revenues and in gas demand until 2050. To perform this assessment the regulatory authority shall include the information of the strategy described in the national energy and climate plans of the respective Member State and the scenarios underpinning the integrated network development plan as developed in accordance with Article 51 of [recast Gas Directive as proposed in COM(2021)xxx].	
277a		<u>Article 17a</u> <u>Facilitating biomethane connections and potential analysis</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
277b		<p><u><i>1. By ... [one year after the transposition deadline referred to in Article 5(1), first subparagraph, of RED III Directive [COD 2021/0218]], Member States shall establish regional maps that identify the areas that, due to the availability of raw materials, such as waste or residues, or to existing operating biogas or biomethane plants, have the highest potential for production of sustainable biogas and biomethane from biomass fuels. Such biomass fuels shall fulfil the sustainability criteria in accordance with Article 29 of Directive (EU) 2018/2001. Before establishing those regional maps, the Member States shall consult the competent regulatory authority, regional and local authorities, the transmission system operators and the distribution system operators and other relevant stakeholders. Regional maps may be updated to consider new sources of sustainable feedstock for biogas and biomethane production.</i></u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
277c		<p><u>2. Distribution system operators and transmission system operators shall map connection potential on the basis of existing and expected capacity to facilitate connection requests, taking into consideration the potential for an increase of production of sustainable biogas and biomethane from biomass fuels as referred to in paragraph 1.</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
277d		<p><u>3. By ... [two years after the date of entry into force of this Regulation], each Member State shall, taking into account the regional maps referred to in paragraph 1, establish national strategies on the production of sustainable biogas and biomethane and their use in order to assess the potential for the production of sustainable biogas and biomethane, evaluate any barriers for the production or injection of biomethane in the grid as well as establish a trajectory to reach the identified national potentials by 2030 and 2050. Member States' national strategies shall be closely linked with their integrated national energy and climate plans under Regulation (EU) 2018/1999. Member States shall report on the progress in achieving their contribution to the 35 bcm Union target as part of their biennial reporting pursuant to Regulation (EU) 2018/1999.</u></p>		
277e		<p><u>4. By 2024 and regularly thereafter, regulatory authorities shall, in cooperation with relevant stakeholders, issue a progress report on the production, transport and uptake of biomethane.</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
277f		<u>5. National standardisation body shall adopt appropriate gas quality standards, based on the European standards adopted by the European Committee for Standardisation (CEN), allowing for injection of biomethane in the existing gas networks while ensuring the integrity of the system.</u>		
Section 3				
278	Section 3 Transmission, storage, LNG and hydrogen terminal system operation	Section 3 Transmission, storage, LNG and hydrogen terminal system operation	Section 3 Transmission, storage, LNG and hydrogen terminal system operation	
Article 18				
279	Article 18 Firm capacity for renewable and low carbon gases to the transmission system	Article 18 Firm capacity for renewable <u>gas</u> and low carbon <u>gasesgas</u> to the transmission system	Article 18 Firm capacity for renewable and low carbon gases to the transmission system	
Article 18(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
280	<p>1. Transmission system operators shall ensure firm capacity for the access of production facilities of renewable and low carbon gases connected to their grid. For this purpose, transmission system operators shall develop in cooperation with the distribution system operators procedures and arrangements, including investments, to ensure reverse flow from distribution to transmission network.</p>	<p>1. Transmission system operators shall ensure firm capacity for the access of production facilities of renewable <u>gas</u> and low carbon <u>gasesgas</u> connected to their grid. For this purpose, transmission system operators shall develop, in cooperation with the distribution system operators, <u>develop</u> procedures and arrangements, including investments, to ensure reverse flow from <u>the</u> distribution <u>network to the</u> transmission network, <u>and network reinforcement plans to ensure network reinforcement, where appropriate</u>.</p>	<p>1. Transmission system operators shall ensure firm capacity for the access of production facilities of renewable and low carbon gases connected to their grid. For this purpose, transmission system operators shall develop in cooperation with the distribution system operators procedures and arrangements, including investments, to ensure reverse flow from distribution to transmission network.</p>	
Article 18(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
281	<p>2. Paragraph 1 shall be without prejudice to the possibility for transmission system operators to develop alternatives to reverse flow investments, such as smart grid solutions or connection to other network operators. Firm access may only be limited to offer capacities subject to operational limitations, in order to ensure economic efficiency. The regulatory authority shall ensure that any limitations in firm capacity or operational limitations are introduced on the basis of transparent and non-discriminatory procedures and do not create undue barriers to market entry. Where the production facility bears the costs related to ensuring firm capacity, no limitation shall apply.</p>	<p>2. Paragraph 1 shall be without prejudice to the possibility for transmission system operators to develop alternatives to reverse flow investments, such as smart grid solutions or connection to other network operators. Firm access may only be limited to offer capacities subject to operational limitations, in order to ensure <u>infrastructure safety</u> and economic efficiency. The regulatory authority <u>shall be responsible for reviewing and approving the transmission system operators' conditions for conditional capacity</u> and shall ensure that any limitations in firm capacity or operational limitations are introduced on the basis of transparent and non-discriminatory procedures and do not create undue barriers to market entry. Where the production facility bears the costs related to ensuring firm capacity, no limitation shall apply.</p>	<p>2. Paragraph 1 shall be without prejudice to the possibility for transmission system operators to develop alternatives to reverse flow investments, such as smart grid solutions or connection to other network operators including direct transmission network connection of production facilities of renewable and low carbon gases. Firm access may only be limited to offer capacities subject to operational limitations, in order to ensure economic efficiency. The regulatory authority shall be responsible to review and approve the transmission system operator's conditions for conditional capacity and ensure that any limitations in firm capacity or operational limitations are introduced on the basis of transparent and non-discriminatory procedures and do not create undue barriers to market entry. Where the production facility bears the costs related to ensuring firm capacity, no limitation shall apply.</p>	
281a		<p><u>2a. For the purpose of the swift implementation of grid connection of renewable gas production, Member States shall ensure that:</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
281b		<u>(a) the transmission system operator complies with reasonable time limits to assess the requests for the injection of renewable gas, make an offer and implement the connection, under the monitoring of the national regulatory authority carried out in accordance with Article 37 and Article 72(1), point (t) of [the recast Gas Directive as proposed in COM(2021) xxx];</u>		
281c		<u>(b) permitting procedures for the implementation of the connection are not hampered by a lack of administrative capacity and do not create a hurdle to the achievement of the national renewable energy target.</u>		
Article 19				
282	Article 19 Cross-border coordination on gas quality in the natural gas system	Article 19 Cross-border coordination on gas quality in the natural gas system	Article 19 Cross-border coordination on of gas quality in the natural gas system	Article 19 Cross-border coordination on of gas quality in the natural gas system Text Origin: Council Mandate
Article 19(1), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
283	1. Transmission system operators shall cooperate to avoid restrictions to cross-border flows due to gas quality differences on interconnection points between Union Member States.	1. Transmission system operators shall cooperate to avoid restrictions to cross-border flows due to gas quality differences on interconnection points between Union Member States. <u>When cooperating, transmission system operators shall take into account the characteristics of installations of final gas customers.</u>	1. Transmission system operators shall cooperate to avoid restrictions to cross-border flows due to gas quality differences on at interconnection points between Union Member States.	1. Transmission system operators shall cooperate to avoid restrictions to cross-border flows due to gas quality differences on at interconnection points between Union Member States. <u>When cooperating, transmission system operators shall take into account the characteristics of installations of final gas customers.</u> Text Origin: EP Mandate
Article 19(1), second subparagraph				
283a			This Article shall not apply to hydrogen blends where the hydrogen content blended into the natural gas system exceeds [2 %] by volume.	<u>This Article shall not apply to hydrogen blends where the hydrogen content blended into the natural gas system exceeds [2 %] by volume.</u> Text Origin: Council Mandate
Article 19(1a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
283b			<p>1a. Member States shall ensure that diverging technical specifications, including gas quality parameters such as oxygen content, and hydrogen blending in the natural gas system are not used to restrict cross-border gas flows. In addition, Member States shall ensure that hydrogen blends in the natural gas system are within the technical specifications acceptable to customers.</p>	<p><u><i>1a. Member States shall ensure that diverging technical specifications, including gas quality parameters, such as oxygen content and hydrogen blending in the natural gas system, are not used to restrict cross-border gas flows. In addition, Member States shall ensure that hydrogen blends in the natural gas system are within the technical specifications acceptable to customers.</i></u></p> <p>Text Origin: Council Mandate</p>
Article 19(1a)				
283c		<p><u><i>1a. Transmission system operators shall only accept gas flows with a hydrogen content of up to 3% by volume at interconnection points between Member States in the natural gas system, subject to the completion of the procedure described in this Article.</i></u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
283d		<u><i>Ib. Member States shall ensure that diverging technical specifications, including gas quality parameters, such as oxygen content and hydrogen blending in the natural gas system, are not used to restrict cross-border gas flows.</i></u>		
Article 19(2)				
284	2. Where a restriction to cross-border flow due to gas quality differences cannot be avoided by the concerned transmission system operators in their standard operations, they shall inform the concerned regulatory authorities without delay. The information shall include a description and justified reasoning for any steps already taken by the transmission system operators.	2. Where a restriction to cross-border flow due to gas quality differences cannot be avoided by the concerned transmission system operators in their standard operations, they shall inform the concerned regulatory authorities without delay. The information shall include a description and justified reasoning for any steps already taken by the transmission system operators.	2. Where a restriction to cross-border flow flows due to gas quality differences cannot be avoided by the concerned transmission system operators in their standard operations, they shall inform the concerned regulatory authorities without delay. The information shall include a description and justified reasoning for any steps already taken by the transmission system operators.	2. Where a restriction to cross-border flow flows due to gas quality differences cannot be avoided by the concerned transmission system operators in their standard operations, they shall inform the concerned regulatory authorities without delay. The information shall include a description and justified reasoning for any steps already taken by the transmission system operators. <small>Text Origin: Council Mandate</small>
Article 19(3)				
285	3. The concerned regulatory authorities shall jointly agree within six months whether to recognise the restriction.	3. The concerned regulatory authorities shall jointly agree within six months whether to recognise the restriction.	3. The concerned regulatory authorities shall jointly agree within six months whether to recognise the restriction.	
Article 19(3a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
285a			<p>3a. For restrictions to cross-border flows caused by differences in hydrogen blending in the natural gas system and recognized pursuant to paragraph 3 of this Article, transmission system operators shall be able to not accept gas flows with hydrogen content at interconnection points before the completion of the procedure described in paragraphs 4 to 10 of this Article.</p>	<p><u><i>3a. For restrictions to cross-border flows caused by differences in hydrogen blending in the natural gas system and recognised pursuant to paragraph 3 of this Article, transmission system operators shall accept gas flows with a hydrogen content at interconnection points between Member States in the natural gas system subject to paragraphs 4 to 10 of this Article, and after completion of the procedure set out therein.</i></u></p>
Article 19(4)				
286	<p>4. Where the concerned regulatory authorities recognise the restriction, they shall request the concerned transmission system operators to perform, within 12 months from the recognition, the following actions in sequence:</p>	<p>4. Where the concerned regulatory authorities <u>concerned</u> recognise the restriction, they shall request the concerned transmission system operators to perform, within 12 months from the recognition, the following actions in sequence:</p>	<p>4. Where the concerned regulatory authorities recognise the restriction, they shall request the concerned transmission system operators to perform, within 12 months from the recognition, the following actions in sequence:</p>	<p>4. Where the concerned regulatory authorities <u>concerned</u> recognise the restriction, they shall request the concerned transmission system operators to perform, within 12 months from the recognition, the following actions in sequence:</p> <p><small>Text Origin: EP Mandate</small></p>
Article 19(4), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
287	(a) cooperate and develop technically feasible options, without changing the gas quality specifications, which may include flow commitments and gas treatment, in order to remove the recognised restriction;	(a) cooperate and develop technically feasible options, without changing the gas quality specifications, which may include flow commitments and gas treatment, in order to remove the recognised restriction <u>taking into account information provided by end customers directly connected to the transmission system operator grid, distribution system operator or any other stakeholder that could be affected by that procedure;</u>	(a) cooperate and develop technically feasible options, without changing the gas quality specifications, which may include flow commitments and gas treatment, in order to remove the recognised restriction;	(a) cooperate and develop technically feasible options, without changing the gas quality specifications, which may include flow commitments and gas treatment, in order to remove the recognised restriction <u>taking into account information provided by end customers directly connected to the natural gas system of the concerned transmission system operator or any other stakeholder that could be affected by that procedure;</u> Text Origin: EP Mandate
Article 19(4), point (b)				
288	(b) jointly carry out a cost-benefit analysis on the technically feasible options to define economically efficient solutions which shall specify the breakdown of costs and benefits among the categories of affected parties;	(b) jointly carry out a cost-benefit analysis on the technically feasible options to define economically efficient solutions which shall specify the breakdown of costs and benefits among the categories of affected parties;	(b) jointly carry out a cost-benefit analysis on the technically feasible options to define economically efficient solutions which shall specify the breakdown of costs and benefits among the categories of affected parties;	
Article 19(4), point (c)				
289	(c) produce an estimate of the implementation time for each potential option;	(c) produce an estimate of the implementation time for each potential option;	(c) produce an estimate of the implementation time for each potential option;	
Article 19(4), point (d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
290	(d) conduct a public consultation on identified feasible solutions and take into consideration the results of the consultation;	(d) conduct a public consultation, <u>in particular of affected end customers connected to the transmission network</u> , on identified feasible solutions and take into consideration the results of the consultation;	(d) conduct a public consultation on identified feasible solutions and take into consideration the results of the consultation;	(d) conduct a public consultation, <u>in particular of affected end customers connected to the natural gas system</u> , on identified feasible solutions and take into consideration the results of the consultation; Text Origin: EP Mandate
Article 19(4), point (e)				
291	(e) submit a joint proposal, based on the cost-benefit analysis and results of the public consultation, for a solution removing the recognised restriction, including the timeframe for its implementation, to their respective regulatory authorities for approval and to the other competent national authorities of each involved Member State for information.	(e) submit a joint proposal, based on the cost-benefit analysis and results of the public consultation, for a solution removing the recognised restriction, including the timeframe for its implementation, to their respective regulatory authorities for approval and to the other competent national authorities of each involved Member State for information.	(e) submit a joint proposal, based on the cost-benefit analysis and results of the public consultation, for a solution removing the recognised restriction, including the timeframe for its implementation, to their respective regulatory authorities for approval and to the other competent national authorities of each involved Member State for information.	
Article 19(5)				
292	5. Where the concerned transmission system operators do not reach an agreement on a solution, each transmission system operator shall inform its regulatory authority without delay.	5. Where the concerned transmission system operators do not reach an agreement on a solution, each transmission system operator shall inform its regulatory authority without delay.	5. Where the concerned transmission system operators do not reach an agreement on a solution, each transmission system operator shall inform its regulatory authority without delay.	
Article 19(6)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
293	6. The concerned regulatory authorities shall take a joint coordinated decision for removing the recognised restriction or for stating that no further action should be pursued, taking into account the cost benefit analysis prepared by the concerned transmission system operators and the results of the public consultation within six months as set out in Article 6(10) of Regulation (EU) 2019/942.	6. The concerned regulatory authorities <u>concerned</u> shall take a joint coordinated decision for removing the recognised restriction or for stating that no further action should be pursued <u>to remove or maintain the recognised restriction</u> , taking into account the cost benefit analysis prepared by the concerned transmission system operators and the results of the public consultation within six months as set out in Article 6(10) of Regulation (EU) 2019/942. <u>Any decision to maintain the recognised restriction shall be reviewed every four years.</u>	6. The concerned regulatory authorities shall take a joint coordinated decision for removing the recognised restriction or for stating that no further action should be pursued , taking into account the cost benefit analysis prepared by the concerned transmission system operators and the results of the public consultation within six months as set out in Article 6(10) of Regulation (EU) 2019/942.	6. The concerned regulatory authorities <u>concerned</u> shall take a joint coordinated decision for removing the recognised restriction or for stating that no further action should be pursued , taking into account the cost benefit analysis prepared by the concerned transmission system operators and the results of the public consultation within six months as set out in Article 6(10) of Regulation (EU) 2019/942. Text Origin: Council Mandate
Article 19(6a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
293a			<p>6a. By way of derogation from paragraph 6, for restrictions to cross-border flows caused by differences in hydrogen blending in the natural gas system, the concerned regulatory authorities may jointly state that no further action should be pursued to remove such restrictions. The joint coordinated decision shall be taken within six months as set out in Article 6(10) of Regulation (EU) 2019/942 and shall take into account the cost benefit analysis and the results of the public consultation prepared pursuant paragraph 4 by the concerned transmission system operators.</p>	<p><u>6a. By way of derogation from paragraph 6, for restrictions to cross-border flows caused by differences in hydrogen blending in the natural gas system, the concerned regulatory authorities may jointly state that no further action should be pursued to remove such restrictions. The joint coordinated decision shall be taken within six months as set out in Article 6(10) of Regulation (EU) 2019/942 and shall take into account the cost benefit analysis and the results of the public consultation prepared pursuant to paragraph 4 by the concerned transmission system operators. A decision to maintain the recognised restriction pursuant to this paragraph shall be reviewed every four years by the concerned regulatory authorities.</u></p> <p>Text Origin: Council Mandate</p>
Article 19(7)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
294	7. The joint coordinated decision of the concerned regulatory authorities shall include a decision on the allocation of the investment costs to be borne by each transmission system operator for implementing the agreed solution, as well as their inclusion in tariffs, taking into account the economic, social and environmental costs and benefits of the solution in the concerned Member States.	7. The joint coordinated decision of the concerned regulatory authorities shall include a decision on the allocation of the investment costs to be borne by each transmission system operator for implementing the agreed solution, as well as their inclusion in tariffs, taking into account the economic, social and environmental costs and benefits of the solution in the concerned Member States.	7. The joint coordinated decision of the concerned regulatory authorities referred to in paragraph 6 shall include a decision on the allocation of the investment costs to be borne by each transmission system operator for implementing the agreed solution, as well as their inclusion in tariffs the allowed or target revenue of transmission system operators , taking into account the economic, social and environmental costs and benefits of the solution in the concerned Member States and its consequences for tariffs .	7. The joint coordinated decision of the concerned regulatory authorities <u>referred to in paragraph 6</u> shall include a decision on the allocation of the investment costs to be borne by each transmission system operator for implementing the agreed solution, as well as their inclusion in tariffs <u>the allowed or target revenue of transmission system operators</u> , taking into account the economic, social and environmental costs and benefits of the solution in the concerned Member States <u>and its consequences for tariffs</u> . Text Origin: Council Mandate
Article 19(8)				
295	8. ACER may make recommendations to the regulatory authorities on the details of such cost allocation decisions as referred to in paragraph 7.	8. ACER may make recommendations to the regulatory authorities on the details of such cost allocation decisions as referred to in paragraph 7.	8. ACER may make recommendations to the regulatory authorities on the details of such cost allocation decisions as referred to in paragraph 7.	
Article 19(9)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
296	9. Where the concerned regulatory authorities cannot reach an agreement as referred to in paragraph 3, ACER shall decide on the restriction, following the process set out in Article 6(10) of Regulation (EU) 2019/942. Where ACER recognises the restriction it shall request the concerned transmission system operators to perform, within 12 months, the actions referred to in paragraph 4 points (a) to (e) in sequence.	9. Where the concerned regulatory authorities cannot reach an agreement as referred to in paragraph 3, ACER shall decide on the restriction, following the process set out in Article 6(10) of Regulation (EU) 2019/942. Where ACER recognises the restriction it shall request the concerned transmission system operators to perform, within 12 months, the actions referred to in paragraph 4 points (a) to (e) in sequence.	9. Where the concerned regulatory authorities cannot reach an agreement as referred to in paragraph 3, ACER shall decide on the restriction, following the process set out in Article 6(10) of Regulation (EU) 2019/942. Where ACER recognises the restriction it shall request the concerned transmission system operators to perform, within 12 months, the actions referred to in paragraph 4 points (a) to (e) in sequence.	
Article 19(10)				
297	10. Where the relevant regulatory authorities cannot take a joint coordinated decisions as referred to in paragraphs 6 and 7, ACER shall decide on the solution to remove the recognised restriction and on the allocation of the investment costs to be borne by each transmission system operator for implementing the agreed solution, following the process set out in Article 6(10) of Regulation (EU) 2019/942.	10. Where the relevant regulatory authorities concerned cannot take a joint coordinated decisions as referred to in paragraphs 6 and 7, ACER shall decide on the solution to remove or maintain the recognised restriction and on the allocation of the investment costs to be borne by each transmission system operator for implementing the agreed solution, following the process set out in Article 6(10) of Regulation (EU) 2019/942. <u>Any decision to maintain the recognised restriction shall be reviewed every four years.</u>	10. Where the relevant regulatory authorities cannot take a joint coordinated decisions decision as referred to in paragraphs 6, 6a and 7, ACER shall decide on the solution to remove the recognised restriction and on the allocation of the investment costs to be borne by each transmission system operator for implementing the agreed solution or for stating that no further action should be pursued pursuant to paragraph 6a of this Article , following the process set out in Article 6(10) of Regulation (EU) 2019/942.	10. Where the relevant regulatory authorities concerned cannot take a joint coordinated decisions decision as referred to in paragraphs 6 and 7, ACER shall decide on the solution to remove the recognised restriction and on the allocation of the investment costs to be borne by each transmission system operator for implementing the agreed solution or stating that no further action should be pursued pursuant to paragraph 6a of this Article following the process set out in Article 6(10) of Regulation (EU) 2019/942. <u>A decision to maintain the recognised restriction pursuant to this paragraph shall be reviewed every four years by ACER.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 19(11)				
298	11. Further details required to implement elements of this Article, including details on the cost benefit analysis, shall be set in a network code established on the basis of Article 53 of this Regulation.	11. Further details required to implement elements of this Article, including details on the cost benefit analysis <u>and on a common binding natural gas quality specification for cross-border natural gas interconnectors</u> , shall be set in a network code established on the basis of Article 53 of this Regulation .	11. Further details required to implement elements of this Article, including details on the cost benefit analysis, shall be set in a network code established on the basis of Article 53 53 (1) of this Regulation.	11. Further details required to implement elements of this Article, including details on the cost benefit analysis, shall be set in a network code established on the basis of Article 53 of this Regulation <u>53(1)</u> . Text Origin: Council Mandate
Article 20				
299	Article 20 Hydrogen blends at interconnection points between Union Member States in the natural gas system	<i>deleted</i>	Article 20 Hydrogen blends at interconnection points between Union Member States in the natural gas system	
Article 20(1)				
300	1. Transmission system operators shall accept gas flows with a hydrogen content of up to 5% by volume at interconnection points between Union Member States in the natural gas system from 1 October 2025, subject to the completion of the procedure described in Article 19 of this Regulation.	<i>deleted</i>	1. Transmission system operators shall accept gas flows with a hydrogen content of up to 5% by volume at interconnection points between Union Member States in the natural gas system from 1 October 2025, subject to the completion of the procedure described in Article 19 of this Regulation.	
Article 20(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	301 2. When the hydrogen content blended in the natural gas system exceeds 5% by volume, the process described in Article 19 of this Regulation shall not apply.	<i>deleted</i>	2. When the hydrogen content blended in the natural gas system exceeds 5% by volume, the process described in Article 19 of this Regulation shall not apply.	
Article 20(3)				
G	302 3. Member States shall not use hydrogen blending in the natural gas system to restrict cross-border gas flows.	<i>deleted</i>	3. Member States shall not use hydrogen blending in the natural gas system to restrict cross-border gas flows.	
	302a		Article 20a Presumption of conformity of practices with harmonised standards	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
302b			<p>1. Practices which are in conformity with harmonised standards or parts thereof the references of which have been published in the Official Journal of the European Union shall be presumed to be in conformity with the requirements referred to in implementing acts adopted pursuant to Article 53(1), point (b) of this Regulation</p>	
302c			<p>Article 20b Common specifications for biomethane</p>	
302d			<p>1. The Commission is empowered to adopt implementing acts laying down common specifications for facilitating the cost effective integration of large volumes of biomethane in the existing natural gas system, including at cross-border interconnection points, or may set those specifications in a network code pursuant to Article 53 (1), point (b), of this Regulation, where:</p>	
Article 20b, first subparagraph, point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
302e			(a) those requirements are not covered by harmonised standards or parts thereof, the references of which have been published in the Official Journal of the European Union; or	
Article 20b, first subparagraph, point (b)				
302f			(b) the Commission has requested one or more European standardisation organisation to draft a harmonised standard for those requirements and at least one of the following conditions has also been fulfilled:	
Article 20b, first subparagraph, point (b)(i)				
302g			(i) the request has not been accepted by any of the European standardisation organisations;	
Article 20b, first subparagraph, point (b)(ii)				
302h			(ii) the Commission observes undue delays in the adoption of requested harmonised standards;	
Article 20b, first subparagraph, point (b)(iii)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
302i			(iii) a European standardisation organisation has delivered a standard that does not entirely correspond with the request of the Commission; or	
Article 20b, first subparagraph, point (c)				
302j			(c) the Commission has decided in accordance with the procedure referred to in Article 11(5) of Regulation (EU) No 1025/2012 to maintain with restriction or to withdraw the references to the harmonised standards or parts thereof by which those requirements are covered.	
Article 20b(1), second subparagraph				
302k			Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 61(3).	
Article 20b(1), third subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
3021			<p>In the early preparation of the draft implementing act establishing the common specification, the Commission shall gather the views of relevant bodies or expert groups established under relevant sectorial Union law, and shall duly consult all relevant stakeholders. Based on that consultation, the Commission shall prepare the draft implementing act.</p>	
302m			<p>2. Practices which are in conformity with common specifications or parts thereof shall be presumed to be in conformity with the requirements set out in the implementing acts adopted pursuant to Article 53(1), point (b) of this Regulation to the extent that those requirements are covered by those common specifications or parts thereof.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
302n			<p>3. Where a harmonised standard is adopted by a European standardisation organisation and proposed to the Commission for the publication of its reference in the Official Journal of the European Union, the Commission shall assess the harmonised standard in accordance with Regulation 1025/2012. When reference of a harmonised standard is published in the Official Journal of the European Union the Commission shall repeal implementing acts referred to in paragraph 1, or parts thereof which cover the same requirements or tests referred to in paragraph 1.</p>	
302o			<p>4. In setting the specifications pursuant to this Article, the Commission shall take the utmost account of the safety requirements necessary for the safe operation of natural gas system, in particular of the safe operation of the natural gas storages across the Union.</p>	
Article 21				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
303	Article 21 European network of transmission system operators for gas	Article 21 European network of <u>The joint EU organisation of Gas</u> transmission system operators for gas and <u>Hydrogen Network Operators</u>	Article 21 European network of transmission system operators for gas	
Article 21, first paragraph				
304	All transmission system operators shall cooperate at Union level through the European Network of Transmission System Operators for Gas (the ENTSO for Gas), in order to promote the completion and functioning of the internal market in natural gas and cross-border trade and to ensure the optimal management, coordinated operation and sound technical evolution of the natural gas transmission network.	All <u>gas</u> transmission system operators <u>and hydrogen network operators</u> shall cooperate at Union level through the European Network of joint EU Organisation of Gas Transmission System Operators for Gas (the ENTSO for Gas and <u>Hydrogen Network Operators (ENTSOG&H)</u> , in order to promote the completion and functioning of the internal market in natural gas and <u>hydrogen and</u> cross-border trade and to ensure the optimal management, coordinated operation and sound technical evolution of the natural gas transmission <u>network and of the hydrogen</u> network.	All transmission system operators shall cooperate at Union level through the European Network of Transmission System Operators for Gas (the ENTSO for Gas), in order to promote the completion and functioning of the internal market in natural gas and cross-border trade and to ensure the optimal management, coordinated operation and sound technical evolution of the natural gas transmission network.	
Article 22				
305	Article 22 Organisation of the ENTSO for Gas	Article 22 Organisation of the ENTSO for <u>Gas ENTSOG&H</u>	Article 22 Organisation of the ENTSO for Gas	
Article 22(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
306	1. The ENTSO shall submit to the Commission and to ACER the draft statutes, a list of members and draft rules of procedure, including the rules of procedures on the consultation of other stakeholders, of the ENTSO for Gas in case of changes of those documents or upon a reasoned request of the Commission or ACER.	1. <u>By 1 September 2024, the ENTSO shall publish and submit to the Commission and to ACER the draft statutes, a list of members and candidates awaiting certification as hydrogen network operator and draft rules of procedure, including the rules of procedures on the consultation of other stakeholders, of the ENTSO for Gas in ENTSOG&H in the case of changes of those documents or upon a reasoned request of the Commission or ACER.</u>	1. The ENTSO for Gas shall submit to the Commission and to ACER the draft statutes, a list of members and draft rules of procedure, including the rules of procedures on the consultation of other stakeholders, of the ENTSO for Gas in case of changes of those documents or upon a reasoned request of the Commission or ACER.	
306a		<u>1a. Before submitting the documents to the Commission and ACER pursuant to paragraph 1 of this Article, the ENTSOG&H shall conduct a public stakeholder consultation in accordance with Article 26. The consultation shall be effective and extensive and shall take place in a timely adequate, open, inclusive and transparent manner. The participation of stakeholders in the consultation shall be voluntary and all relevant stakeholders shall be invited. The ENTSOG&H shall take into account the results of that consultation.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 22(2)				
307	2. Within four months of the day of the receipt, ACER, after formally consulting the organisations representing all stakeholders, in particular the system users including customers, shall provide an opinion to the Commission on the draft statutes, list of members and draft rules of procedure.	2. Within four months of the day of the receipt, ACER, after formally consulting the organisations representing all stakeholders, in particular the system users including customers, shall provide an opinion to the Commission on the draft statutes, list of members and draft rules of procedure.	2. Within four months of the day of the receipt, ACER , after formally consulting the organisations representing all stakeholders, in particular the system users including customers, shall provide an opinion to the Commission on the draft statutes, list of members and draft rules of procedure.	
Article 22(3)				
308	3. The Commission shall deliver an opinion on the draft statutes, list of members and draft rules of procedures taking into account the opinion of ACER referred to in paragraph 2 and within three months of the day of the receipt of the opinion of ACER.	3. The Commission shall deliver an opinion on the draft statutes, list of members and draft rules of procedures taking into account the opinion of ACER referred to in paragraph 2 and within three months of the day of the receipt of the opinion of ACER.	3. The Commission shall deliver an opinion on the draft statutes, list of members and draft rules of procedures taking into account the opinion of ACER referred to in paragraph 2 and within three months of the day of the receipt of the opinion of ACER .	
Article 22(4)				
309	4. Within three months of the day of receipt of the Commission's opinion the ENTSO for Gas shall adopt and publish the revised statutes and rules of procedure of the ENTSO for Gas.	4. Within three months of the day of receipt of the Commission's opinion the ENTSO for Gas ENTSOG&H shall adopt and publish the revised statutes and rules of procedure of the ENTSO for Gas ENTSOG&H .	4. Within three months of the day of receipt of the Commission's favourable opinion the ENTSO for Gas shall adopt and publish the revised statutes and rules of procedure of the ENTSO for Gas.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
309a		<u><i>4a. The statutes of the ENTSOG&H referred to in paragraph 1 shall ensure that:</i></u>		
309b		<u><i>(a) participation in the work of the ENTSOG&H is limited to registered hydrogen network operators and transmission system operators or other relevant stakeholders for the purpose of completing ENTSOG&H's regulatory tasks;</i></u>		
309c		<u><i>(b) strategic decisions regarding the activities of the ENTSOG&H as well as policy guidelines for the board of the ENTSOG&H are adopted by the board of the ENTSOG&H</i></u>		
309d		<u><i>(c) decisions of the general assembly enable the achievement of the ENTSOG&H's purpose;</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
309e		<u>(d) the board members of the ENTSOG&H are elected by the general assembly for a mandate of a maximum of four years;</u>		
309f		<u>(e) the board nominates the President and the Vice-President from among the members of the board of the ENTSOG&H</u>		
309g		<u>(f) cooperation between transmission system operators for gas and hydrogen network operators pursuant to Article 21 is led by the board of the ENTSOG&H</u>		
309h		<u>(g) on the basis of a proposal by the board of the ENTSOG&H, the General Director is appointed by the general assembly for a mandate of four years, renewable once;</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
309i		<u><i>(h) the ENTSOG&H publish the minutes of its assembly meetings, board meetings and provide the public with regular information on its decision-making and activities.</i></u>		
309j		<u><i>4b. The rules of procedure referred to in paragraph 1 shall safeguard the fair and proportionate treatment of its members and shall reflect the diverse geographical, demographic, economic and sectoral structure of its members. In particular, they shall provide for the board to be composed of:</i></u>		
309k		<u><i>(a) a President and a Vice-President designated respectively and on a three-year rotating term from the hydrogen network operators and the transmission system operators groups or vice-versa with alternating roles between transmission system operators and hydrogen network operators; and</i></u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
309l		<p><u><i>(b) an equal number of board members that are designated from both the transmission system operators' representatives and the hydrogen network operators' representatives, ensuring a fair balance between hydrogen network operators and transmission system operators. The statutes of ENTSOG&H shall contain an equal number of board members per category. An equal number of board members shall be reached once there is a sufficient number of certified hydrogen network operators from different Member States.</i></u></p>		
309m		<p><u><i>4c. The statutes of ENTSOG&H shall provide for clear organisational rules, including with regard to the budget dedicated to transmission system operators' activities and hydrogen network operators' activities, within the ENTSOG&H while ensuring efficiency and shared services being provided by the ENTSOG&H staff to both gas transmission system operators and hydrogen network operators.</i></u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
309n		<u><i>4d. The statutes will also provide for clear organisational rules on the establishment of working-level groups and the definition of their scope and activity, safeguarding the fair and balanced treatment of the organisation's members. Specific working-level groups shall be created to specifically focus on the development of hydrogen infrastructure covering quality, supply and demand outlooks as well as infrastructure needs.</i></u>		
Article 23				
310	Article 23 Tasks of the ENTSO for Gas	Article 23 Tasks of the ENTSO for Gas <u>ENTSOG&H</u>	Article 23 Tasks of the ENTSO for Gas	
Article 23(1)				
311	1. The ENTSO for Gas shall elaborate network codes in the areas referred to in paragraph 6 of this Article upon a request addressed to it by the Commission in accordance with Article 53(9).	1. The ENTSO for Gas <u>ENTSOG&H</u> shall elaborate <u>develop</u> network codes in the areas referred to in paragraph 6 of this Article <u>set out in Articles 53 and 54</u> upon a request addressed to it by the Commission in accordance with Article 53(9) <u>or Article 54(9)</u> .	1. The ENTSO for Gas shall elaborate network codes in the areas referred to in paragraph 6 of this Article upon a request addressed to it by the Commission in accordance with Article 53(9).	
Article 23(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
312	2. The ENTSO for Gas may elaborate network codes in the areas set out in paragraph 6 with a view to achieving the objectives set out in Article 21 where those network codes do not relate to areas covered by a request addressed to it by the Commission. Those network codes shall be submitted to ACER for an opinion. That opinion shall be duly taken into account by the ENTSO for Gas.	2. The ENTSO for Gas may elaborate <u>ENTSOG&H may develop</u> network codes in the areas set out in paragraph 6 <u>Articles 53 and 54</u> with a view to achieving the objectives set out in Article 21 where those network codes do not relate to areas covered by a request addressed to it by the Commission. Those network codes shall be submitted to ACER for an opinion. That opinion shall be duly taken into account by the ENTSO for Gas <u>ENTSOG&H</u> .	2. The ENTSO for Gas may elaborate network codes in the areas set out in paragraph 6 with a view to achieving the objectives set out in Article 21 where those network codes do not relate to areas covered by a request addressed to it by the Commission. Those network codes shall be submitted to ACER for an opinion. That opinion shall be duly taken into account by the ENTSO for Gas.	
Article 23(3)				
313	3. The ENTSO for Gas shall adopt:	3. The ENTSO for Gas <u>ENTSOG&H</u> shall adopt and <u>publish</u> :	3. The ENTSO for Gas shall adopt:	
Article 23(3), point (a)				
314	(a) common network operation tools to ensure coordination of network operation in normal and emergency conditions, including a common incidents classification scale, and research plans;	(a) common network operation tools to ensure coordination of network operation in normal and emergency conditions, including a common incidents classification scale, and research plans;	(a) common network operation tools to ensure coordination of network operation in normal and emergency conditions, including a common incidents classification scale, and research plans;	
Article 23(3), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
315	(b) a non-binding Union -wide ten-year network development plan (Union -wide network development plan), including a European supply adequacy outlook, every two years;	(b) a non-binding Union-wide <u>Union-wide</u> ten-year network development plan (Union-wide <u>for gas and hydrogen networks (Union-wide</u> network development plan), including <u>European Plan for Priority Corridors for Hydrogen that is consistent with Annex I to Regulation (EU) 2022/869 and reinforced by the REPowerEU Plan, and</u> a European supply adequacy outlook, every two years; <u>the Union-wide network development plan shall be developed in cooperation with the regulatory authorities and, where technically possible, be harmonised with the Union-wide network development plan for electricity;</u>	(b) a non-binding and to be made public Union -wide ten-year network development plan (Union -wide network development plan), including a European supply adequacy outlook, every two years;	
Article 23(3), point (c)				
316	(c) recommendations relating to the coordination of technical cooperation between Union and third-country transmission system operators;	(c) recommendations relating to the coordination of technical cooperation between Union and third-country transmission system operators <u>and third country hydrogen network operators;</u>	(c) recommendations relating to the coordination of technical cooperation between Union and third-country transmission system operators;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
316a		<u>(ca) recommendations relating to the coordination of technical cooperation in the Union between gas transmission and distribution system operators on one hand, and hydrogen network operators on the other;</u>		
Article 23(3), point (d)				
G 317	(d) an annual work programme;	(d) an annual work programme;	(d) an annual work programme;	G
Article 23(3), point (e)				
G 318	(e) an annual report;	(e) an annual report;	(e) an annual report;	G
Article 23(3), point (f)				
G 319	(f) annual summer and winter supply outlooks;	(f) annual summer and winter supply outlooks;	(f) annual summer and winter supply outlooks;	G
319a		<u>(fa) annual outlook for the supply of hydrogen covering Member States where hydrogen is used in electricity generation or supply;</u>		
Article 23(3), point (g)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
320	(g) a gas quality monitoring report by 15 May 2024 at the latest and every two years afterwards, including developments of gas quality parameters, developments of the level and volume of hydrogen blended into the natural gas system, forecasts for the expected development of gas quality parameters and of the volume of hydrogen blended into the natural gas system, the impact of blending hydrogen on cross-border flows as well as information on cases related to differences in gas quality specifications or in specifications of blending levels and how such cases were settled;	(g) a gas quality <u>and decarbonisation</u> monitoring report by 15 May 2024 <u>and a gas and hydrogen quality and decarbonisation monitoring report by 15 May 2026</u> at the latest and every two years afterwards <u>thereafter</u> , including developments of gas quality parameters, developments of the level and volume of <u>renewable gas and low-carbon gas injected into the gas system as well as of</u> hydrogen blended into the natural gas system, forecasts for the expected development of gas quality parameters and of the volume of hydrogen blended into the natural gas system, the impact of blending hydrogen on cross-border flows as well as information on cases related to differences in gas quality specifications or in specifications of blending levels and how such cases were settled <u>in view of meeting the quality requirements of different end-use applications</u> ;	(g) a gas quality monitoring report by 15 May 2024 at the latest and every two years afterwards, including developments of gas quality parameters, developments of the level and volume of hydrogen blended into the natural gas system, forecasts for the expected development of gas quality parameters and of the volume of hydrogen blended into the natural gas system, the impact of blending hydrogen on cross-border flows as well as information on cases related to differences in gas quality specifications or in specifications of blending levels and how such cases were settled;	
Article 23(3), point (h)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
321	(h) The gas quality monitoring report shall also cover the development for the areas listed in point (g) where as far as relevant for the distribution network, based on information provided by the entity of distribution system operators in the Union ('EU DSO entity').	(h) the gas <u>and hydrogen</u> quality <u>and decarbonisation</u> monitoring report, <u>which</u> shall also cover the development for the areas listed in point (g) where as far as relevant for the distribution network, based on information provided by the entity of distribution system operators in the Union ('EU DSO entity').	(h) the gas quality monitoring report shall also cover the development for the areas listed in point (g) where as far as relevant for the distribution network, based on information provided by the entity of distribution system operators in the Union ('EU DSO entity').	
Article 23(3), point (i)				
321a			(i) an annual report including the quantity of renewable and low carbon gases injected into the natural gas network.	
Article 23(4), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
322	4. The European supply adequacy outlook referred to in paragraph 3, point (b), shall cover the overall adequacy of the gas system to supply current and projected demands for gas for the next five-year period as well as for the period between five and 10 years from the date of that outlook. The European supply adequacy outlook shall build on national supply outlooks prepared by each individual transmission system operator.	4. The European supply adequacy outlook referred to in paragraph 3, point (b), shall cover the overall adequacy of the gas system <u>and hydrogen systems</u> to supply current and projected demands for gas <u>and hydrogen</u> for the next five-year period as well as for the period between five and 10 years from the date of that outlook. The European supply adequacy outlook shall build on national supply outlooks prepared by each individual <u>gas</u> transmission system <u>operator and hydrogen network</u> operator.	4. The European supply adequacy outlook referred to in paragraph 3, point (b), shall cover the overall adequacy of the gas system to supply current and projected demands for gas for the next five-year period as well as for the period between five and 10 years from the date of that outlook. The European supply adequacy outlook shall build on national supply outlooks prepared by each individual transmission system operator.	
Article 23(4), second subparagraph				
323	The Union-wide network development plan referred to in paragraph 3, point (b), shall include the modelling of the integrated network, including hydrogen networks, scenario development, a European supply adequacy outlook and an assessment of the resilience of the system.	The Union-wide network development plan referred to in paragraph 3, point (b), shall include the modelling of the integrated network, including hydrogen networks, scenario development, a European supply adequacy outlook, <u>a climate impact assessment</u> , and an assessment of the resilience of the system. <u>The plan shall promote the energy efficiency first principle and energy system integration, contribute to the prudent and rational use of natural resources and to achieving the Union's climate and energy targets.</u>	The Union-wide network development plan referred to in paragraph 3, point (b), shall include the modelling of the integrated network, including hydrogen networks, scenario development, a European supply adequacy outlook and an assessment of the resilience of the system. subparagraph moved to article 29 (line 369c) and modified.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 23(5)				
324	5. The annual work programme referred to in paragraph 3, point (d), shall contain a list and description of the network codes to be prepared, a plan on coordination of operation of the network, and research and development activities, to be realised in that year, and an indicative calendar.	5. The annual work programme referred to in paragraph 3, point (d), shall contain a list and description of the network codes to be prepared, a plan on coordination of operation of the network, and research and development activities, to be realised in that year, and an indicative calendar. <u>The annual programme shall clearly state which activities relate to hydrogen, to gas, or to both of them.</u>	5. The annual work programme referred to in paragraph 3, point (d), shall contain a list and description of the network codes to be prepared, a plan on coordination of operation of the network, and research and development activities, to be realised in that year, and an indicative calendar.	
Article 23(6)				
325	6. The network codes referred to in paragraphs 1 and 2 shall cover the following areas, taking into account, if appropriate, regional special characteristics:	<i>deleted</i>	6. The network codes referred to in paragraphs 1 and 2 shall cover the following areas, taking into account, if appropriate, regional special characteristics:	
Article 23(6), point (a)				
326	(a) network security and reliability rules;	<i>deleted</i>	(a) network security and reliability rules;	