

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

2021/0425(COD)

[Version for Trilogue on 1 June, 2023]

25-05-2023 at 21h02

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194(2) thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee <sup>1</sup> , <u>1. OJ [...], [...], p. [...].</u>	Having regard to the opinion of the European Economic and Social Committee <sup>1</sup> , <u>1. OJ [...], [...], p. [...].</u>	Having regard to the opinion of the European Economic and Social Committee <sup>1</sup> , <u>1. OJ [...], [...], p. [...].</u>	
Citation 5				
8	Having regard to the opinion of the Committee of the Regions <sup>1</sup> , <u>1. OJ [...], [...], p. [...].</u>	Having regard to the opinion of the Committee of the Regions <sup>1</sup> , <u>1. OJ [...], [...], p. [...].</u>	Having regard to the opinion of the Committee of the Regions <sup>1</sup> , <u>1. OJ [...], [...], p. [...].</u>	
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) Directive 2009/73/EC of the European Parliament and of the Council<sup>1</sup> has been substantially amended several times<sup>2</sup>. Since further amendments are to be made, that Directive should be recast in the interests of clarity.</p> <p>1. Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94). 2. See Annex III, Part A.</p>	<p>(1) Directive 2009/73/EC of the European Parliament and of the Council<sup>1</sup> has been substantially amended several times<sup>2</sup>. Since further amendments are to be made, that Directive should be recast in the interests of clarity.</p> <p>1. Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94). 2. See Annex III, Part A.</p>	<p>(1) Directive 2009/73/EC of the European Parliament and of the Council<sup>1</sup> has been substantially amended several times<sup>2</sup>. Since further amendments are to be made, that Directive should be recast in the interests of clarity.</p> <p>1. Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94). 2. See Annex III, Part A.</p>	
Recital 2				

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12	(2) The internal market in natural gas, which has been progressively implemented throughout the Union since 1999, aims to deliver real choice for all consumers of the European Union, be they citizens or businesses, new business opportunities and more cross-border trade, so as to achieve efficiency gains, competitive prices, and higher standards of service, and to contribute to security of supply and sustainability.	(2) The internal market in natural gas, which has been progressively implemented throughout the Union since 1999, aims to deliver real choice for all consumers of the European Union, be they citizens or businesses, new business opportunities and more cross-border trade, so as to achieve efficiency gains, competitive prices, and higher standards of service, and to contribute to security of supply and sustainability.	(2) The internal market in natural gas, which has been progressively implemented throughout the Union since 1999, aims to deliver real choice for all consumers of the European Union, be they citizens or businesses, new business opportunities and more cross-border trade, so as to achieve efficiency gains, competitive prices, and higher standards of service, and to contribute to security of supply and sustainability.	
Recital 3				
13	(3) Directive 2003/55/EC of the European Parliament and of the Council and Directive 2009/73/EC of the European Parliament and of the Council have made a significant contribution towards the creation of such an internal market in natural gas.	(3) Directive 2003/55/EC of the European Parliament and of the Council and Directive 2009/73/EC of the European Parliament and of the Council have made a significant contribution towards the creation of such an internal market in natural gas.	(3) Directive 2003/55/EC of the European Parliament and of the Council and Directive 2009/73/EC of the European Parliament and of the Council have made a significant contribution towards the creation of such an internal market in natural gas.	

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13a		<p><b><i>(3a) Internal market rules for gaseous fuels need to be aligned with the Union's climate and energy law, in particular, Regulation (EU) 2021/1119 of the European Parliament and of the Council<sup>5</sup>. The legal framework set out by this Directive is therefore amended accordingly.</i></b></p> <p><b><i>5. Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law') (OJ L 243, 9.7.2021, p. 1).</i></b></p>		

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13b		<p><i>(3b) In response to the hardships and global energy market disruption caused by Russia's unprovoked and unjustified military aggression against Ukraine, and in line with the communication of the Commission of 18 May 2022 'REPowerEU Plan' (the 'REPowerEU Plan'), the Union and the Member States should phase out its dependency on Russian energy imports as soon as possible and well before 2030, because those imports are detrimental to the objectives of the Energy Union, including energy solidarity, to effective functioning of and competition in the internal energy market, as well as to security of energy supply and the essential security interests of the Union and of the Member States.</i></p>		

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13c		<p><i>(3c) The REPowerEU Plan pledge to phase out Russian gas imports as soon as possible, equalling 155bcm in 2019 and representing 40 % of final fossil gas demand, translates into a higher ambition for the gas savings and the acceleration of the uptake of renewable alternatives, including biomethane, electricity, district heating and cooling, as well as the ramp-up of the European hydrogen market. Taking into account the fact that fossil gas demand in the Union has been rising over the recent years, there is a need to establish governance underpinning that ambition and the Union's independence.</i></p>		
Recital 4				

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
15	<p>(5) The Union has aims to cut greenhouse gas emissions. It has therefore adopted a set of initiatives to reach that goal, including the energy system integration strategy and the hydrogen strategy published by the Commission in July 2020, which set out how to update the energy markets, including the decarbonisation of gas markets as well as Regulation (EU) 2018/1999 and Regulation (EU) 2021/1119. This Directive should contribute to achieving these goals, ensuring security of supply and a well-functioning internal market for gases, including for hydrogen.</p>	<p>(5) The Union <b>must</b> cut greenhouse gas emissions <b>and promote modern, decentralised, efficient and integrated energy systems</b>. It has therefore adopted a set of initiatives to reach that goal, including the energy system integration strategy, <b>the communication of the Commission of 8 July 2020 on a hydrogen strategy for a climate-neutral Europe (the ‘EU Hydrogen Strategy’)</b>, Commission <b>Recommendation (EU) 2021/1749<sup>8</sup></b>, <b>European Parliament resolution of 10 July 2020 on a comprehensive European approach to energy storage<sup>9</sup> as well as Regulations (EU) 2018/1999 and (EU) 2021/1119</b> which <b>together</b> set out how to update the energy markets, including the decarbonisation of gas markets. <b>Those initiatives also call for transitioning to a more decentralised energy system with energy efficiency and energy system efficiency at its core, greater direct electrification of end-use sectors, prioritising demand-side solutions whenever they are more cost-effective than investments in energy infrastructure, greater focus on energy storage solutions, and prioritising the use of hydrogen for end-users in hard-to-decarbonise sectors where no other more energy and cost-efficient alternatives are available. The Union has also adopted a set of initiatives and</b></p>	<p>(5) The Union has aims to cut greenhouse gas emissions. It has therefore adopted a set of initiatives to reach that goal, including the energy system integration strategy <b>(COM(2020))299 final</b> and the hydrogen strategy <b>(COM/2020/301)</b> published by the Commission in July 2020, which set out how to update the energy markets, including the decarbonisation of gas markets as well as Regulation (EU) 2018/1999 and Regulation (EU) 2021/1119. This Directive should contribute to achieving these goals, ensuring security of supply and a well-functioning internal market for gases, including for hydrogen.</p>	

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

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
15a			<p><b>(5a) This Directive should be seen in conjunction with other policy and legislative instruments, notably those proposed under the European Green Deal. Many of these other proposed instruments, such as the extension of the Union’s [Emission Trading System, the Effort Sharing Regulation, the 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 Directive is however not to incentivise the transition but to enable and facilitate it by ensuring the continuing existence of efficient markets for gases.</b></p>	
Recital 6				

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

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16a			<p><b>(6a) 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</b></p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
16b		<p><i>(6a) The integration of biomethane in the natural gas system supports the Union's climate objectives and helps to diversify the energy supply in line with the REPowerEU Plan. Requests for the grid connection of renewable gas production should be assessed within reasonable time limits and permitting procedures should not be hampered by a lack of administrative capacities. It should be possible to prioritise connection requests for renewable gas production over connection request for the production of natural gas and low-carbon gas.</i></p>		
Recital 7				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
17	<p>(7) The EU hydrogen strategy recognises that, as EU Member States have different potential for the production of renewable hydrogen, an open and competitive EU market with unhindered cross-border trade has important benefits for competition, affordability, and security of supply. Moreover, it stresses that moving towards a liquid market with commodity-based hydrogen trading would facilitate entry of new producers and be beneficial for deeper integration with other energy carriers. It would create viable price signals for investments and operational decisions. The rules laid down in this Directive should thus be conducive for hydrogen markets, commodity-based hydrogen trading and liquid trading hubs to emerge and any undue barriers in this regard should be eliminated by Member States. Whilst recognising the inherent differences, existing rules that enabled efficient commercial operations developed for the electricity and gas markets and trading should be rendered applicable to Union hydrogen markets to the extent appropriate and within a suitable time frame.</p>	<p>(7) The EU hydrogen strategy recognises that, as EU Member States have different potential for the production of renewable hydrogen, an open and competitive EU market with unhindered cross-border trade has important benefits for competition, affordability, and security of supply. Moreover, it stresses that moving towards a liquid market with commodity-based hydrogen trading would facilitate entry of new producers and be beneficial for deeper integration with other energy carriers. It would create viable price signals for investments and operational decisions. The rules laid down in this Directive should thus be conducive for hydrogen markets, commodity-based hydrogen trading and liquid trading hubs to emerge and any undue barriers in this regard should be eliminated by Member States. Whilst recognising the inherent differences, existing rules that enabled efficient commercial operations developed for the electricity and gas markets and trading should be rendered applicable to Union hydrogen markets to the extent appropriate and within a suitable time frame, <b>also taking into account methane and hydrogen leakages.</b></p>	<p>(7) The EU hydrogen strategy recognises that, as EU Member States have different potential for the production of renewable hydrogen, an open and competitive EU market with unhindered cross-border trade has important benefits for competition, affordability, and security of supply. Moreover, it stresses that moving towards a liquid market with commodity-based hydrogen trading would facilitate entry of new producers and be beneficial for deeper integration with other energy carriers. It would create viable price signals for investments and operational decisions. The rules laid down in this Directive should thus be conducive for hydrogen markets, commodity-based hydrogen trading and liquid trading hubs to emerge and any undue barriers in this regard should be eliminated by Member States. Whilst recognising the inherent differences, existing rules that enabled efficient commercial operations developed for the electricity and gas markets and trading should be rendered applicable to Union hydrogen markets to the extent appropriate and within a suitable time frame.</p>	

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17a		<p><b><i>(7a) Hydrogen should be prioritised for feedstock, raw material or energy purposes in hard-to-decarbonise industries such as steel or chemicals and hard-to-decarbonise maritime and aviation applications. Conversely, all efforts should be made to avoid the use of hydrogen for applications where more energy or cost efficient alternatives exist. Other renewable gas, such as biogas, will be able to contribute to the energy and climate goal as long as they are produced using only truly sustainable feedstocks, such as waste and residues referred to in Annex IX, Part A, of Directive (EU) 2018/2001 of the European Parliament and of the Council<sup>10</sup>.</i></b></p> <p><b><i>10. Directive (EU) 2018/2001 of the European Parliament and of the Council of 11 December 2018 on the promotion of the use of energy from renewable sources (OJ L 328, 21.12.2018, p. 82).</i></b></p>		
Recital 8				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
18	<p>(8) In line with the EU Hydrogen Strategy, renewable hydrogen is expected to be deployed on a large-scale from 2030 onwards for the purpose of decarbonising certain sectors, ranging from aviation and shipping to hard-to-decarbonise industrial sectors. All final customers connected to hydrogen systems will benefit from basic consumer rights applicable to final customers connected to the natural gas system such as the right to switch supplier and accurate billing information. In those instances where customers are connected to the hydrogen network, e.g. industrial customers, they will benefit from the same consumer protection rights applicable to natural gas customers. However, consumer provisions designed to encourage household participation on the market such as price comparison tools, active customers and citizen energy communities do not apply to the hydrogen system.</p>	<p>(8) In line with the EU Hydrogen Strategy <b>and the REPowerEU Plan, 10 mt of domestic</b> renewable hydrogen <b>and 10 mt of imported renewable hydrogen are</b> expected to be deployed <b>already by 2030 and onwards</b> for the purpose of <b>increasing the flexibility of the electricity system and</b> decarbonising certain sectors <b>and applications where no other more energy or cost efficient alternative is available</b>, ranging from aviation and shipping to hard-to-decarbonise industrial sectors. <b>In addition, hydrogen will contribute to replacing Russian fossil fuels as swift as possible. Hydrogen use from domestic production or imported from third countries should be prioritised in hard-to-decarbonise sectors in which more energy and cost-efficient options are not available.</b> All final customers connected to hydrogen systems will benefit from basic consumer rights applicable to final customers connected to the natural gas system such as the right to switch supplier and accurate billing information. In those instances where customers are connected to the hydrogen network, e.g. industrial customers, they will benefit from the same consumer protection rights applicable to natural gas customers. However, consumer provisions designed to encourage household participation</p>	<p>(8) In line with the EU Hydrogen Strategy, renewable hydrogen is expected to be deployed on a large-scale from 2030 onwards for the purpose of decarbonising certain sectors, ranging from aviation and shipping to hard-to-decarbonise industrial sectors. All final customers connected to hydrogen systems will benefit from basic consumer rights applicable to final customers connected to the natural gas system such as the right to switch supplier and accurate billing information. In those instances where customers are connected to the hydrogen network, e.g. industrial customers, they will benefit from the same consumer protection rights applicable to natural gas customers. However, consumer provisions designed to encourage household participation on the market such as price comparison tools, active customers and citizen energy communities do not apply to the hydrogen system.</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 9				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
19	<p>(9) In line with the EU Hydrogen Strategy, the priority for the EU is to develop renewable hydrogen produced using mainly wind and solar energy. Renewable hydrogen is the most compatible option with the EU's climate neutrality and zero pollution goal in the long term and the most coherent with an integrated energy system. However, low-carbon fuels (LCFs) such as low-carbon hydrogen (LCH) may play a role in the energy transition, particularly in the short and medium term to rapidly reduce emissions of existing fuels, and support the uptake of renewable fuels such as renewable hydrogen. In order to support the transition, it is necessary to establish a threshold for greenhouse gas emission reductions for low-carbon hydrogen and synthetic gaseous fuels. Such threshold should become more stringent for hydrogen produced in installations starting operations from 1 January 2031 to take into account technological developments and better stimulate the dynamic progress towards the reduction of greenhouse gas emissions from hydrogen production. The EU Energy System Integration strategy highlighted the need to deploy an EU-wide certification system to also cover low-carbon fuels with the aim to enable Member States to compare them with other decarbonisation</p>	<p>(9) In line with the EU Hydrogen Strategy, the priority for the <b>Union</b> is to develop renewable hydrogen produced using mainly wind and solar energy. Renewable hydrogen <b>produced using biomass energy falls under the definition of biogas, as defined in Article 2, point (28), of Directive (EU) 2018/2001.</b> <b>Renewable hydrogen is the only option compatible</b> with the <b>Union's</b> climate neutrality and zero pollution goal in the long term and the most coherent with an integrated energy system. However, <b>renewable hydrogen production is not likely to scale fast enough to meet the expected growth in demand for hydrogen in the Union. Therefore, low-carbon fuels (LCFs), such as low-carbon hydrogen (LCH), may play a role in the energy transition in line with the Union climate targets, particularly in the short and medium term to rapidly reduce emissions of existing fuels, and support the transition of the Union's industry in hard-to-decarbonise sectors in which more energy or cost-efficient options are not available, including in heavy-duty transport.</b> In order to support the transition, it is necessary to <b>adopt a technology-neutral approach and to establish a threshold for greenhouse gas emission reductions for low-carbon hydrogen and synthetic gaseous fuels. Such threshold should become</b></p>	<p>(9) In line with the EU Hydrogen Strategy, the priority for the EU is to develop renewable hydrogen produced using mainly wind and solar energy. Renewable hydrogen is the most compatible option with the EU's climate neutrality and zero pollution goal in the long term and the most coherent with an integrated energy system. However, low-carbon fuels (LCFs) such as low-carbon hydrogen (LCH) may play a role in the energy transition, particularly in the short and medium term to rapidly reduce emissions of existing fuels, and support the uptake of renewable fuels such as renewable hydrogen. In order to support the transition, it is necessary to establish a threshold for greenhouse gas emission reductions for low-carbon hydrogen and synthetic gaseous fuels. Such threshold should become more stringent for hydrogen produced in installations starting operations from 1 January 2031 to take into account technological developments and better stimulate the dynamic progress towards the reduction of greenhouse gas emissions from hydrogen production. The EU Energy System Integration strategy highlighted the need to deploy an EU-wide certification system to also cover low-carbon fuels with the aim to enable Member States to compare them with other decarbonisation</p>	

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19a		<p><i>(9a) Although priority should be given to promoting a domestic hydrogen production within the Union, the Union may not be able to produce enough renewable and low-carbon hydrogen to meet its demand. Imports of renewable and low-carbon hydrogen are likely to be necessary for the rapid availability of large quantities of hydrogen catering for the Union's demand, in particular from neighbouring countries and regions such as Norway, Ukraine, North Africa and the Middle East. Therefore, the Commission and the Member states should engage in an open and constructive dialogue in order to establish mutually beneficial cooperation and partnerships with neighbouring regions safeguarding the Union's strategic interests and the energy security of both the Union and its partners. Hydrogen partnerships and intergovernmental agreement with third countries on hydrogen imports should contribute to the creation of clean and new technology markets through the transfer of knowledge and the achievement of the United Nations Sustainable Development goals. A level playing-field, based on equivalent rules or standards in third countries in terms of environmental protection, sustainability and mitigating</i></p>		

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19b		<p><i>(9b) Against the background of the EU Hydrogen Strategy and REPowerEU Plan, the Commission should assess in the report whether additional measures such as setting an indicative greenhouse gas intensity reduction target for gas consumed in the Union by 2030 may be necessary to cater for an investment and pathway for further upscaling of renewable gas and low carbon gas across the Union, while taking into account the gradual phase-out of fossil gas and the assumed reduction of demand for gas in sectors other than hard-to-decarbonise sectors where no other more energy and cost-efficient options are available. Such measures could provide predictability to customers, in particular in hard-to-decarbonise sectors, to make the necessary investments to transform their operations. Without prejudice to the prioritisation of the roll-out and uptake of renewable gas, they may also enable different technologies to contribute towards the Union indicative target and the overall Union decarbonisation commitments. Low-carbon gas should be regarded as transitional as long as renewable gas, in particular renewable hydrogen, are a scarce source.</i></p>		

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19c		<p><i>(9c) Hydrogen corridors as identified in the REPowerEU Plan should be supported by the corresponding dedicated hydrogen infrastructure, including hydrogen networks, hydrogen storage and hydrogen import terminals in order to meet the REPowerEU Plan targets for hydrogen production and imports by 2030. Therefore, the network development plans should identify investment gaps, in particular with regard to ensuring sufficient cross-border capacities which are needed for the establishment of an integrated European hydrogen market enabling hydrogen to move freely across the borders, taking into account the hydrogen storage development and the integration of hydrogen imports.</i></p>		
19d		<p><i>(9d) The definition of hydrogen ready infrastructure and end-use applications should ensure a common approach in Union funding programmes and the revised Climate and Energy state aid guidelines.</i></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 10				
20	(10) The freedoms which the Treaty guarantees the citizens of the Union — inter alia, the free movement of goods, the freedom of establishment and the freedom to provide services — are achievable only in a fully open market, which enables all consumers freely to choose their suppliers and all suppliers freely to deliver to their customers.	(10) The freedoms which the Treaty guarantees the citizens of the Union — inter alia, the free movement of goods, the freedom of establishment and the freedom to provide services — are achievable only in a fully open market, which enables all consumers freely to choose their suppliers and all suppliers freely to deliver to their customers.	(10) The freedoms which the Treaty guarantees the citizens of the Union — inter alia, the free movement of goods, the freedom of establishment and the freedom to provide services — are achievable only in a fully open market, which enables all consumers freely to choose their suppliers and all suppliers freely to deliver to their customers.	
20a			<b>(10a) Member States should, in respect of a fully open market, still be able to plan their energy mix. Member States are able to choose to strategically close and adjust part of their distribution system in order to phase out the supply of natural gas to households to ensure the transition into a sustainable and effective system.</b>	
Recital 11				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
21	<p>(11) Consumer interests should be at the heart of this Directive and quality of service should be a central responsibility of natural gas undertakings. Existing rights of consumers and rights for access to essential services, including energy, and safeguarding against energy poverty, as stated in the European Pillar of Social Rights communication need to be strengthened and guaranteed, and should include greater transparency. Consumer protection should ensure that all consumers in the wider remit of the Union benefit from a competitive gas market. Consumer rights should be enforced by Member States or, where a Member State has so provided, the regulatory authorities.</p>	<p>(11) Consumer interests should be at the heart of this Directive and quality of service should be a central responsibility of natural gas undertakings. Existing rights of consumers and rights for access to essential services, including energy, and <b>tackling</b> energy poverty, as stated in the <b>communication of the Commission of 26 April 2017 establishing a</b> European Pillar of Social Rights need to be strengthened and guaranteed, and should include greater transparency <b>on prices. In that respect, cross-subsidisation of hydrogen network through natural gas or electricity network tariffs should be avoided, as it puts the burden of the energy transition of the industry sector on natural gas or electricity users, including household users.</b> Consumer protection should ensure that all consumers in the wider remit of the Union benefit from a competitive gas market. Consumer rights should be enforced by Member States or, where a Member State has so provided, the regulatory authorities.</p>	<p>(11) Consumer interests should be at the heart of this Directive and quality of service should be a central responsibility of natural gas <b>and hydrogen</b> undertakings. Existing rights of consumers and rights for access to <del>essential</del><b>energy</b> services, <del>including energy,</del> and safeguarding against energy poverty, as stated in the European Pillar of Social Rights communication need to be strengthened and guaranteed, and should include greater transparency. Consumer protection should ensure that all consumers in the wider remit of the Union benefit from a competitive gas market. Consumer rights should be enforced by Member States or, where a Member State has so provided, the regulatory authorities.</p>	
Recital 12				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
22	(12) The European Pillar of Social Rights places energy among the essential services everyone shall have access to and calls for support measures for those in need (principle 20). UN Sustainable Development Goal number 7 (SDG7) also calls for ensuring access to affordable, reliable, sustainable and modern energy for all.	(12) The European Pillar of Social Rights places energy among the essential services everyone shall have access to and calls for support measures for those in need (principle 20). UN Sustainable Development Goal number 7 (SDG7) also calls for ensuring access to affordable, reliable, sustainable and modern energy for all. <b><i>This Directive builds on comprehensive and common concepts of vulnerable customers and energy poverty.</i></b>	(12) The European Pillar of Social Rights places energy among the essential services everyone shall have access to and calls for support measures for those in need (principle 20). UN Sustainable Development Goal number 7 (SDG7) also calls for ensuring access to affordable, reliable, sustainable and modern energy for all.	
Recital 13				
23	(13) Public service requirements and the common minimum standards that follow from them need to be further strengthened to make sure that all consumers, especially vulnerable ones, can benefit from competition and fair prices. The public service requirements should be defined at national level, taking into account national circumstances; Union law should, however, be respected by the Member States.	(13) Public service requirements and the common minimum standards that follow from them need to be further strengthened to make sure that all consumers, especially vulnerable ones, can benefit from competition and fair prices. The public service requirements should be defined at national level, taking into account national circumstances; Union law should, however, be respected by the Member States.	(13) Public service requirements and the common minimum standards that follow from them need to be further strengthened to make sure that all consumers, especially vulnerable ones, can benefit from competition and fair prices. The public service requirements should be defined at national level, taking into account national circumstances; Union law should, however, be respected by the Member States.	
Recital 14				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
24	<p>(14) Member States should have a wide discretion to impose public service obligations on gas undertakings in pursuing objectives of general economic interest. However, public service obligations in the form of price setting for the supply of natural gas constitute a fundamentally distortive measure that often leads to the accumulation of tariff deficits, the limitation of consumer choice, poorer incentives for energy saving and energy efficiency investments, lower standards of service, lower levels of consumer engagement and satisfaction, and the restriction of competition, as well as to there being fewer innovative products and services on the market. Consequently, Member States should apply other policy tools, in particular targeted social policy measures, to safeguard the affordability of natural gas supply to their citizens. Public interventions in price setting for the supply of natural gas should be carried out only as public service obligations and should be subject to specific conditions. A fully liberalised, well-functioning retail natural gas market would stimulate price and non-price competition among existing suppliers and provide incentives to new market entrants, thereby improving consumer choice and satisfaction.</p>	<p>(14) Member States should <b>ensure that household customers and, where Member States consider it to be appropriate, small enterprises, enjoy the right to be supplied with gas of a specified quality at clearly comparable, transparent and competitive prices. Member States should maintain</b> a wide discretion to impose public service obligations on gas undertakings in pursuing objectives of general economic interest <b>without hampering the transition to an integrated, highly energy efficient and on renewables-based energy system in accordance with the relevant Union targets, law and strategies.</b> However, public service obligations in the form of price setting for the supply of natural gas constitute a fundamentally distortive measure that often leads to the accumulation of tariff deficits, the limitation of consumer choice, poorer incentives for energy saving and energy efficiency investments, lower standards of service, lower levels of consumer engagement and satisfaction, and the restriction of competition, as well as to there being fewer innovative products and services on the market. Consequently, Member States should apply other policy tools, in particular targeted social policy measures, to safeguard the affordability of natural gas supply to their citizens. Public interventions in</p>	<p>(14) Member States should have a wide discretion to impose public service obligations on gas undertakings in pursuing objectives of general economic interest. However, public service obligations in the form of price setting for the supply of natural gas constitute a fundamentally distortive measure that often leads to the accumulation of tariff deficits, the limitation of consumer choice, poorer incentives for energy saving and energy efficiency investments, lower standards of service, lower levels of consumer engagement and satisfaction, and the restriction of competition, as well as to there being fewer innovative products and services on the market. Consequently, Member States should apply other policy tools, in particular targeted social policy measures, to safeguard the affordability of natural gas supply to their citizens. Public interventions in price setting for the supply of natural gas should be carried out only as public service obligations and should be subject to specific conditions. A fully liberalised, well-functioning retail natural gas market would stimulate price and non-price competition among existing suppliers and provide incentives to new market entrants, thereby improving consumer choice and satisfaction.</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
24a		<i>(14a) Member States should ensure the continuous and uninterrupted availability of energy and the technical safety of energy supply by increasing efficiency and interoperability of transmission and distribution networks, promoting system flexibility, avoiding congestions, ensuring resilient supply chains, cybersecurity and the protection and climate adaptation of all, and in particular, critical infrastructure while reducing strategic energy dependencies.</i>		
Recital 15				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
25	<p>(15) Public service obligations in the form of price setting for the supply of natural gas should be used without overriding the principle of open markets in clearly defined circumstances and beneficiaries and should be limited in duration. In order to mitigate the distortive effects of public service obligations in price setting for the supply of natural gas, Member States applying such interventions should put in place additional measures, including measures to prevent distortions of price setting in the wholesale market. Member States should ensure that all beneficiaries of regulated prices are able to benefit fully from the offers available on the competitive market when they choose to do so. To that end, they should be directly and regularly informed of the offers and savings available on the competitive market, and should be provided with assistance to respond to and benefit from market-based offers.</p>	<p>(15) Public <i>interventions</i> in the form of price setting for the supply of natural gas should be used without overriding the principle of open markets in clearly defined circumstances and beneficiaries and should be limited in duration. In <b><i>exceptional circumstances, for example where supply is severely constrained, causing significantly higher gas prices than normal or in the event of a market failure where interventions by regulatory authorities and competition authorities have proven to be ineffective, Member States may broaden the scope of public intervention in price setting for the supply of gas to categories other than vulnerable customers and customers affected by energy poverty such as microenterprises, other household customers and protected customers, as defined in Article 2, point (5), of Regulation (EU) 2017/1938, in order to avoid significant impact on the economy and society.</i></b> In order to mitigate the distortive effects of public <i>interventions</i> in price setting for the supply of natural gas <b><i>and to reduce the public budget allocated over time for those interventions,</i></b> Member States applying such interventions should put in place additional measures, including measures to prevent distortions of price setting in the wholesale market</p>	<p>(15) Public service obligations in the form of price setting for the supply of natural gas should be used without overriding the principle of open markets in clearly defined circumstances and beneficiaries and should be limited in duration. In order to mitigate the distortive effects of public service obligations in price setting for the supply of natural gas, Member States applying such interventions should put in place additional measures, including measures to prevent distortions of price setting in the wholesale market. Member States should ensure that all beneficiaries of regulated prices are able to benefit fully from the offers available on the competitive market when they choose to do so. To that end, they should be directly and regularly informed of the offers and savings available on the competitive market, and should be provided with assistance to respond to and benefit from market-based offers.</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 16				
26	(16) Public interventions in price setting for the supply of natural gas should not lead to direct cross-subsidisation between different categories of customer. According to that principle, price systems must not explicitly make certain categories of customer bear the cost of price interventions that affect other categories of customer.	(16) Public interventions in price setting for the supply of natural gas should not lead to direct cross-subsidisation between different categories of <i>customers</i> . According to that principle, price systems must not explicitly make certain categories of customer bear the cost of price interventions that affect other categories of customer.	(16) Public interventions in price setting for the supply of natural gas should not lead to direct cross-subsidisation between different categories of customer. According to that principle, price systems must not explicitly make certain categories of customer bear the cost of price interventions that affect other categories of customer. <b>Public service obligations in price setting should only concern the supply of natural gas, as households are not expected to use hydrogen for heating purposes on a wide scale. The hydrogen market will mostly concern industry, which do not require such public interventions.</b>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
26a			<p><b>(16a) Public interventions in price setting for the supply of natural gas constitute, in principle, a market-distortive measure. Such interventions may therefore only be carried out as public service obligations and are subject to specific conditions. Under this Directive regulated prices are possible for energy poor and vulnerable households, including below costs, and, as a transition measure, for households and micro-enterprises. In times of crisis, when wholesale and retail natural gas prices increase significantly, and this is having a negative impact on the wider economy, Member States should be allowed to extend, temporarily, the application of regulated prices also to SMEs. For both households and SMEs, Member States should be temporarily allowed to set regulated prices below costs as long as this does not create distortion between suppliers and suppliers are compensated for the costs of supplying below cost. However, it needs to be ensured that such price regulation is targeted and does not create incentives to increase consumption. Hence, such price regulation should be subject to conditions. Those conditions should be aligned to the conditions applicable to regulated prices for</b></p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 17				
27	(17) Clear and comprehensible information should be made available to consumers concerning their rights in relation to the energy sector. The Commission has established, after consulting relevant stakeholders including Member States, regulatory authorities, consumer organisations and natural gas undertakings, an accessible, user-friendly energy consumer checklist providing consumers with practical information about their rights. That energy consumer checklist should be maintained to date, provided to all consumers and should be made publicly available.	(17) Clear and comprehensible information should be made available to consumers concerning their rights in relation to the energy sector. The Commission has established, after consulting relevant stakeholders including Member States, regulatory authorities, consumer organisations and natural gas undertakings, an accessible, user-friendly energy consumer checklist providing consumers with practical information about their rights. That energy consumer checklist should be maintained to date, provided to all consumers and should be made publicly available.	(17) Clear and comprehensible information should be made available to consumers concerning their rights in relation to the energy sector. The Commission has established, after consulting relevant stakeholders including Member States, regulatory authorities, consumer organisations and natural gas undertakings, an accessible, user-friendly energy consumer checklist providing consumers with practical information about their rights. That energy consumer checklist should be maintained to date, provided to all consumers and should be made publicly available.	
Recital 18				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
28	(18) Member States should take into account the fact that the successful transition requires enhanced investment in education and skills for workers in the gas industry, including in relation to infrastructure development. Such mention would be in line with the proposal for a revision of EED (2021/0203 (COD)).	(18) Member States should take into account the fact that the successful <b>ecological</b> transition requires enhanced investment in education, <b>training</b> and skills for workers in the <b>energy sector, including</b> gas industry, <b>and related value chains, as well as</b> in relation to infrastructure development <b>and renewable energy roll out, such as heat pump deployment and other renewable alternatives</b> . Such mention would be in line with the <b>proposals</b> for a revision of <b>Directive 2012/27/EU of the European Parliament and of the Council<sup>12</sup> (2021/0203(COD) and Directive (EU) 2018/2001 (2018/0201(COD) as well as the REPowerEU Plan. Social partners must play a key role in that process.</b>  <sup>12.</sup> <i>Directive 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1).</i>	(18) Member States should take into account the fact that the successful transition requires enhanced investment in education and skills for workers in the gas industry, including in relation to infrastructure development. Such mention would be in line with the proposal for a revision of EED (2021/0203 (COD)).	
Recital 19				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
29	(19) Market rules should protect and empower customers to make low carbon choices, in order for new renewable and low carbon gases to be fully embedded in the energy transition.	(19) Market rules should protect and empower customers to make <b>the most energy efficient</b> choices, in order for new renewable <b>gas</b> and low carbon <b>gas</b> to be fully embedded in the energy transition <b>and steered to those end-use sectors where no other more energy or cost efficient alternatives are available. For example, there is only a limited financial or environmental benefit in supplying hydrogen to individual heating appliances and such uses should therefore not be encouraged as a general principle.</b>	(19) Market rules should protect and empower customers to make low carbon choices, in order for new renewable and low carbon gases to be fully embedded in the energy transition.	
Recital 20				
30	(20) Natural gas still plays a key role in energy supply, as household energy consumption from natural gas is still higher than from electricity. Although electrification is a key element of the green transition, in the future there will still be household natural gas consumption including increasing volumes of renewable gas.	(20) Natural gas still plays a key role in energy supply, as household energy consumption from natural gas is still higher than from electricity. Although electrification is a key element of the green transition, in the future there will still be household natural gas consumption including increasing volumes of renewable gas, <b>in particular biomethane.</b>	(20) Natural gas still plays a key role in energy supply, as household energy consumption from natural gas is still higher than from electricity. Although electrification is a key element of the green transition, in the future there will still be household natural gas consumption including increasing volumes of renewable gas.	
Recital 21				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
31	(21) As the natural gas sector, including the natural gas retail market was not part of the Clean Energy for all Europeans Package, the related provisions on consumer engagement and protection have not been adapted to the needs of the energy transition, which corresponds instead to the situation of over a decade ago when the Third Energy Package was adopted.	(21) As the natural gas sector, including the natural gas retail market was not part of the Clean Energy for all Europeans Package, the related provisions on <b><i>infrastructure planning and investments</i></b> , consumer engagement and protection have not been adapted to the needs of the energy transition, which corresponds instead to the situation of over a decade ago when the Third Energy Package was adopted.	(21) As the natural gas sector, including the natural gas retail market was not part of the Clean Energy for all Europeans Package, the related provisions on consumer engagement and protection have not been adapted to the needs of the energy transition, which corresponds instead to the situation of over a decade ago when the Third Energy Package was adopted.	
Recital 22				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
32	<p>(22) The natural gas market witnesses poor customer satisfaction and engagement as well as slow uptake of new renewable and low-carbon gases, which all reflect limited competition in many Member States. Unlike falling prices in wholesale markets, natural gas prices for household customers rose in the last decade resulting in household consumers paying two or three times more for their natural gas consumption than industrial customers.</p>	<p>(22) The natural gas market <b>currently</b> witnesses <b>exceptional circumstances leading to high prices which are expected to remain rather high also in the years to come</b>, poor customer satisfaction and engagement as well as slow uptake of new renewable <b>gas</b> and low-carbon <b>gas and other renewable alternatives</b>, which all reflect limited competition in many Member States <b>as well as an unfavourable regulatory environment for electrification and other renewable alternatives</b>. Natural gas prices for household customers rose in the last decade resulting in household consumers paying two or three times more for their natural gas consumption than industrial customers.</p>	<p>(22) The natural gas market witnesses poor customer satisfaction and engagement as well as slow uptake of new renewable and low-carbon gases, which all reflect limited competition in many Member States. <del>Unlike falling prices in wholesale markets,</del> Natural gas prices for household customers rose in the last decade resulting in household consumers paying two or three times more for their natural gas consumption than industrial customers.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
32a		<p><i>(22a) The energy prices crisis has shown the inability of the liquid market to give the right price signal and to adequately reflect the demand-supply dynamics in the price formation mechanism. It has also shown the inadequacy of the liquid market to cope with emergency situations, such as supply disruptions and market manipulation practices. In order to prevent high price volatility and to discourage anti-competitive conducts, trading platforms should make use of similar instruments already used in the financial markets for the same purposes. As suggested by European Securities and Markets Authority, those instruments should consist of, inter alia, trading halt mechanisms or price collars. ACER as well as regulatory authorities should continue to investigate any cases of market manipulations and distortions.</i></p>		
Recital 23				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
33	(23) As in the electricity sector, market flexibilities and an adequate Union consumer rights' legal framework in the natural gas sector are essential to ensure that consumers can participate in the energy transition and benefit from affordable prices, good standards of service, and effective choice of offers mirroring technological developments.	(23) As in the electricity sector, market flexibilities and an adequate Union consumer rights' legal framework in the natural gas sector are essential <b>and the natural gas sector should be reinforced</b> to ensure that consumers can participate in the energy transition and benefit from affordable prices, good standards of service, and effective choice of offers mirroring <b>sustainable</b> technological developments. <b>Unlike in the electricity sector, natural gas consumer should be protected from rising tariffs when natural gas assets have to be depreciated, from cross subsidisation between gas and hydrogen users and rising gas tariffs with a shrinking customer base. The role of gaseous fuels for heating or cooling in buildings will decline in the future due to renewable alternatives, in particular electrification, district heating or thermal renewable energy.</b>	(23) As in the electricity sector, market flexibilities and an adequate Union consumer rights' legal framework in the natural gas sector are essential to ensure that consumers can participate in the energy transition and benefit from affordable prices, good standards of service, and effective choice of offers mirroring technological developments.	
Recital 24				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
34	(24) The switch from fossil gas to renewable alternatives will concretise if energy from renewable sources becomes an attractive, non-discriminatory choice for consumers based on truly transparent information where the transition costs are fairly distributed among different groups of consumers and market players.	(24) The switch from fossil gas to renewable alternatives will concretise if energy from renewable sources becomes an attractive, non-discriminatory choice for consumers based on truly transparent information where the transition costs are fairly distributed among different groups of consumers and market players. <b>However, unlike in the electricity sector, switching from gas to other renewable technologies is usually not as easy due to the lock-in effect related to the underpinning infrastructure. Mandatory fuel switches should be accompanied by measures that remove adverse effects on final customers, in particular vulnerable customers and people affected by or at risk of energy poverty, as well as measures that mitigate and resolve inequalities resulting from the energy transition.</b>	(24) The switch from fossil gas to renewable alternatives will concretise if energy from renewable sources becomes an attractive, non-discriminatory choice for consumers based on truly transparent information where the transition costs are fairly distributed among different groups of consumers and market players.	
Recital 25				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
35	(25) To address the current gaps in the retail gas market, it is necessary to tackle the existing competition and technical barriers to the emergence of new services, better levels of service, and lower consumer prices, whilst ensuring the protection of energy poor and vulnerable consumers.	(25) To address the current gaps in the retail gas market, it is necessary to tackle the existing competition and technical barriers to the emergence of <b>alternative, renewables-based energy supply</b> , new services, better levels of service, and lower consumer prices, whilst ensuring the protection of <b>vulnerable consumers and customers affected by or at risk of energy poverty</b> .	(25) To address the current gaps in the retail gas market, it is necessary to tackle the existing competition and technical barriers to the emergence of new services, better levels of service, and lower consumer prices, whilst ensuring the protection of energy poor and vulnerable consumers.	
Recital 26				
36	(26) In order to ensure a high level of consumer protection and empowerment consistently across energy sectors, the legislative framework in the decarbonised gas market legislation should reflect the electricity market customer protection and where relevant its empowerment provisions.	(26) In order to ensure a high level of consumer protection and empowerment consistently across energy sectors, the legislative framework in the decarbonised gas market <b>law</b> should reflect the electricity market customer protection and where relevant its empowerment provisions <b>and take into account the energy system efficiency, the Union's objectives on security of supply, energy efficiency and renewable energy</b> .	(26) In order to ensure a high level of consumer protection and empowerment consistently across energy sectors, the legislative framework in the decarbonised gas market legislation should reflect the electricity market customer protection and where relevant its empowerment provisions.	
Recital 27				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
37	(27) To be coherent and effective, this mirroring approach should be encompass all consumer protection and empowerment provisions, whenever feasible and adaptable to the gas market. This should go from basic contractual rights to rules for billing information, switching energy provider, having at disposal reliable comparison tools, protecting vulnerable and energy poor consumers, ensuring adequate data protection for smart meters and data management, and efficient alternative dispute resolution rules.	(27) To be coherent and effective, this mirroring approach should be encompass all consumer protection and empowerment provisions, whenever feasible and adaptable to the gas market. This should go from basic contractual rights to rules for billing information, switching energy provider, having at disposal reliable comparison tools, protecting vulnerable <b>customers and customers affected by or at risk of energy poverty</b> , ensuring adequate data protection for smart meters and data management, and efficient alternative dispute resolution rules. <b>Smart meters should be deployed only after a positive cost-benefit assessment.</b>	(27) To be coherent and effective, this mirroring approach should encompass all consumer protection and empowerment provisions, whenever feasible and adaptable to the gas market. This should go from basic contractual rights to rules for billing information, switching energy provider, having at disposal reliable comparison tools, protecting vulnerable and energy poor consumers, ensuring adequate data protection for smart meters and data management, and efficient alternative dispute resolution rules.	
Recital 28				
38	(28) In pursuing the consistency of provisions across sectors, burdens for national administrations and businesses should be limited and proportionate by also building on the experience with the Clean Energy for All Europeans Package.	(28) In pursuing the consistency of provisions across sectors, burdens for national administrations and businesses should be limited and proportionate by also building on the experience with the Clean Energy for All Europeans Package.	(28) In pursuing the consistency of provisions across sectors, burdens for national administrations and businesses should be limited and proportionate by also building on the experience with the Clean Energy for All Europeans Package.	
Recital 29				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
39	<p>(29) The modernisation of the gas sector is expected to lead to substantial economic benefits in terms of both improved retail competition and its social and distributional benefits and customer empowerment, including strengthened contractual rights and better available information on consumption and energy sources leading to greener choices. Energy communities-of-interest should contribute to the uptake of renewable gas.</p>	<p>(29) The modernisation <b>and decarbonisation</b> of the gas sector is expected to lead to substantial economic <b>and environmental</b> benefits in terms of both improved retail competition and its social and distributional benefits and customer empowerment, including strengthened contractual rights and better available information on consumption and energy sources leading to greener choices, <b>which also include uptaking energy efficiency measures and reducing or switching from fossil gas to other more sustainable and energy efficient renewable energy sources. Acknowledging the need to produce biomethane, respecting the sustainability criteria laid down in Directive (EU) 2018/2001, environmental standards, such as prevention of methane leakage as well as the avoidance of food security issues, local biomethane production and supply could lead to economic benefits at the local level, in particular for the agricultural sector, and household and non-household customers located in the proximity of production areas. As an organisational concept aiming to drive social innovation, renewable energy communities as set out in Directive (EU) 2018/2001</b> should contribute to the uptake of renewable gas.</p>	<p>(29) The modernisation of the gas sector is expected to lead to substantial economic <b>and environmental</b> benefits in terms of both improved retail competition and its social and distributional benefits and customer empowerment, including strengthened contractual rights and better available information on consumption and energy sources leading to greener choices. Energy communities-of-interest should contribute to the uptake of renewable gas.</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 30				
40	<p>(30) Switching is an important indicator of consumer engagement as well as an important tool to boost competition on both the natural gas and hydrogen markets. Switching rates remain inconsistent among Member States and consumers are discouraged from switching by exit and termination fees. Although removing such fees might limit consumer choice by eliminating products based on rewarding consumer loyalty, restricting their use further should improve consumer welfare, consumer engagement and competition in the market.</p>	<p>(30) Switching is an important indicator of <i>customer</i> engagement as well as <i>an</i> important tool to boost competition on both the natural gas and hydrogen markets <i>and should therefore be guaranteed as a basic right to costumers. However,</i> switching rates remain inconsistent among Member States and consumers are discouraged from switching <i>both energy source and supplier</i> by exit and termination fees. Although removing such fees might limit <i>customer</i> choice by eliminating products based on rewarding <i>customer</i> loyalty, restricting their use further should improve consumer welfare, consumer engagement and competition in the market, <i>including promoting the use of biomethane and other low-carbon gas and renewable gas.</i></p>	<p>(30) Switching is an important indicator of consumer engagement as well as <del>an</del> important tool to boost competition on both the natural gas and hydrogen markets. Switching rates remain inconsistent among Member States and consumers are discouraged from switching by exit and termination fees. Although removing such fees might limit consumer choice by eliminating products based on rewarding consumer loyalty, restricting their use further should improve consumer welfare, consumer engagement and competition in the market.</p>	
Recital 31				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
41	(31) Shorter switching times are likely to encourage customers to search for better energy deals and switch supplier. With the increased deployment of information technology, by the year 2026, the technical switching process of registering a new supplier in a metering point at the market operator should typically be possible to complete within 24 hours on any working day. Ensuring that it is possible by that date for the technical process of switching to take place within 24 hours would minimise switching times, helping to increase consumer engagement and retail competition.	(31) Shorter switching times are likely to encourage customers to search for better energy deals and switch supplier. With the increased deployment of information technology, by the year 2026, the technical switching process of registering a new supplier in a metering point at the market operator should typically be possible to complete within 24 hours on any working day. Ensuring that it is possible by that date for the technical process of switching to take place within 24 hours would minimise switching times, helping to increase consumer engagement and retail competition.	(31) Shorter switching times are likely to encourage customers to search for better energy deals and switch supplier. With the increased deployment of information technology, by the year 2026, the technical switching process of registering a new supplier in a metering point at the market operator should typically be possible to complete within 24 hours on any working day. Ensuring that it is possible by that date for the technical process of switching to take place within 24 hours would minimise switching times, helping to increase consumer engagement and retail competition.	
41a			<b>(31a) The 24 hour switching in gas procedure would mirror what already applies in the electricity market, which has similar back-end functionalities and IT database requirements. Harmonising switching times between both sectors would benefit all consumers, in particular those on dual fuel contracts. Shorter switching times for consumers should not affect a supplier balancing obligations.</b>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 32				
42	(32) Several factors impede consumers from accessing, understanding and acting upon the various sources of market information available to them. It follows that the comparability of offers should be improved and barriers to switching should be minimised to the greatest practicable extent without unduly limiting consumer choice.	(32) Several factors impede <i>customers</i> from accessing, understanding and acting upon the various sources of market information available to them. It follows that the comparability of offers should be improved, <b><i>through adequate customer information, including on the environmental impact of the energy offers, and comparison tools for all customers, and unjustified barriers to switching should be removed</i></b> without unduly limiting <i>customer</i> choice.	(32) Several factors impede consumers from accessing, understanding and acting upon the various sources of market information available to them. It follows that the comparability of offers should be improved and barriers to switching should be minimised to the greatest practicable extent without unduly limiting consumer choice.	
Recital 33				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
43	<p>(33) Independent comparison tools, including websites, are an effective means for smaller customers to assess the merits of the different energy offers that are available on the market. They should aim to include the broadest possible range of available offers, and to cover the market as completely as is feasible so as to give the customer a representative overview. It is crucial that smaller customers have access to at least one comparison tool and that the information given on such tools be trustworthy, impartial and transparent. To that end, Member States could provide for a comparison tool that is operated by a national authority or a private company.</p>	<p>(33) Independent comparison tools, including websites, are an effective means for smaller customers to assess the merits of the different energy offers that are available on the market. They should aim to include the broadest possible range of available offers, and to cover the market as completely as is feasible so as to give the customer a representative overview <b><i>in a clear and easy to understand manner. Where the environmental impact is promoted as an essential feature of the offer, comparison tools should also include a description of that environmental impact.</i></b> It is crucial that smaller customers have access to at least one comparison tool and that the information given on such tools be trustworthy, impartial, <b><i>transparent and easy to understand.</i></b> To that end, Member States could provide for a comparison tool that is operated by a national authority or a private company. <b><i>It is also vital to provide customers with a clear and understandable pre-contractual information, so that they are fully aware about the details and consequences of the contract.</i></b></p>	<p>(33) Independent comparison tools, including websites, are an effective means for smaller customers to assess the merits of the different energy offers that are available on the market. They should aim to include the broadest possible range of available offers, and to cover the market as completely as is feasible so as to give the customer a representative overview. It is crucial that smaller customers have access to at least one comparison tool and that the information given on such tools be trustworthy, impartial and transparent. To that end, Member States could provide for a comparison tool that is operated by a national authority or a private company.</p>	
Recital 34				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
44	<p>(34) Final customers should also be able to consume, to store and to sell self-generated renewable gas and participate in all natural gas markets by providing ancillary services to the system, for instance through energy storage. Member States should be able to have different provisions in their national law with respect to taxes and levies for individual and jointly-acting active customers.</p>	<p>(34) <i>In some instances, final customers, in particular those in the agricultural sector or at local or municipal level, are able to consume, to store and to sell self-generated renewable gas. To the extent that they are able to undertake those activities while respecting environmental standards, including the mitigation of methane emissions, those customers should be able to participate in all natural gas markets, including local supply, providing ancillary services to the system, for instance through energy storage, while maintaining their rights as final customers. Such collective arrangements between active customers can provide opportunities for service providers and local businesses, in particular small and medium-sized enterprises (SMEs), to contribute to local system balancing and flexibility.</i> Member States should be able to have different provisions in their national law with respect to taxes and levies for individual and jointly-acting active customers.</p>	<p>(34) Final customers should also be able to consume, to store and to sell self-generated renewable gas and participate in all natural gas markets by providing ancillary services to the system, for instance through energy storage. Member States should be able to have different provisions in their national law with respect to taxes and levies for individual and jointly-acting active customers.</p>	
Recital 35				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
45	(35) Recognising the role they can play in decarbonizing the energy system, certain categories of citizen energy initiatives should be recognised in the natural gas market at the Union level as ‘citizen energy communities’. These communities should facilitate the use of renewable gas in the natural gas system. In order to provide them with an enabling framework, fair treatment, a level playing field and a well-defined catalogue of rights and obligations should be laid down which generally reflects the membership structure, governance requirements and purpose of citizen energy communities in Directive (EU) 2019/944.	(35) █	(35) Recognising the role they can play in decarbonizing the energy system, certain categories of citizen energy initiatives should be recognised in the natural gas market at the Union level as ‘citizen energy communities’. These communities should facilitate the use of renewable gas in the natural gas system. In order to provide them with an enabling framework, fair treatment, a level playing field and a well-defined catalogue of rights and obligations should be laid down which generally reflects the membership structure, governance requirements and purpose of citizen energy communities in Directive (EU) 2019/944.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
45a			<p><b>(35a) Renewable energy communities, pursuant to Directive (EU) 2018/2001 and citizen energy communities pursuant to Directive (EU) 2019/944 and this Directive can contribute to the production, storage and supply of renewable gas, helping to decarbonise the energy system. In particular, renewable energy communities can help contribute to the development of a local circular economy, particularly in rural regions. Citizen energy communities can help mobilise private capital investments for the decarbonisation of energy supply and empower farms and villages to capture methane from agriculture and municipal waste and supply to households in the local area or cities . There is a need to provide a level playing field so that renewable gases, such as biomethane, produced by citizen and renewable energy communities can be integrated into the natural gas system.</b></p>	
Recital 36				

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
46a			<p><b>(36a) The provisions on citizen energy communities should not preclude the existence of other citizen initiatives such as renewable energy communities in Directive (EU) 2018/2001 or those stemming from private law agreements. Membership of citizen energy communities should be open to all final customers, in particular household customers . It is appropriate that effective control, as defined in this Directive, and thus decisive influence over decision-making, remains with small enterprises, local authorities and natural persons. Member States should limit the risk of decisive influence by private undertakings that are engaged in large-scale commercial activity and for which the energy sector constitutes a primary area of economic activity over decision-making by excluding their participation and their voting, and putting limitations on the shares and commercial contracts they can hold. Such private undertakings should not include publically-owned companies. . To further mitigate the risk of corporate capture, Member States should monitor compliance of these initiatives with the governance and participation criteria set out in this Directive to ensure effective control sits with local authorities,</b></p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 37				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
47	<p>(37) Bills and billing information are an important means to inform and empower final customers. Energy bills remain the most common consumer concern and source of consumer complaints, a factor that contributes to the persistently low levels of consumer satisfaction and engagement in the gas sector. Provisions for billing information in the gas sector also lag behind rights granted to consumers in the electricity sector. It is therefore necessary to align them and to set minimum requirements for bills and billing information in the gas sector, so that consumers have access to transparent, easy to understand information. Bills should convey information to the final consumers on their consumption and costs, thus facilitating comparison between offers and switching supplier, as well as information on their consumer rights (such as on alternative dispute resolution). In addition, bills should be a tool to actively engage consumers in the market, so that consumers can manage their consumption patterns and make greener choices.</p>	<p>(37) Bills and billing information are an important means to inform and empower final customers. Energy bills remain the most common consumer concern and source of consumer complaints, a factor that contributes to the persistently low levels of consumer satisfaction and engagement in the gas sector. Provisions for billing information in the gas sector also lag behind rights granted to consumers in the electricity sector. It is therefore necessary to align them and to set minimum requirements for bills and billing information in the gas sector, so that consumers have access to transparent, <b>complete</b>, easy to understand information. Bills should convey information to the final <b>customers</b> on their consumption and costs, <b>greenhouse gas emission intensity, type of energy, its share and quantity</b>, thus facilitating comparison between offers and switching supplier <b>or energy sources</b>, as well as information on their consumer rights (such as on alternative dispute resolution). In addition, bills should be a tool to actively engage consumers in the market, so that consumers can manage their consumption patterns and make greener choices. <b>It is important to provide comprehensive and accurate information to consumers to ensure they are aware of their</b></p>	<p>(37) Bills and billing information are an important means to inform and empower final customers. Energy bills remain the most common consumer concern and source of consumer complaints, a factor that contributes to the persistently low levels of consumer satisfaction and engagement in the gas sector. Provisions for billing information in the gas sector also lag behind rights granted to consumers in the electricity sector. It is therefore necessary to align them and to set minimum requirements for bills and billing information in the gas sector, so that consumers have access to transparent, easy to understand information. Bills should convey information to the final consumers on their consumption and costs, thus facilitating comparison between offers and switching supplier, as well as information on their consumer rights (such as on alternative dispute resolution). In addition, bills should be a tool to actively engage consumers in the market, so that consumers can manage their consumption patterns and make greener choices. <b>It is important to provide comprehensive and accurate information to consumers to ensure they are aware of their environmental impact and, thus, consumers can express their preference for the most</b></p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 38				
48	(38) The regular provision of accurate billing information based on actual gas consumption, facilitated by smart metering, is important to help customers to control their gas consumption and costs. Nevertheless, customers, in particular household customers, should have access to flexible arrangements for the actual payment of their bills.	(38) The regular provision of accurate billing information based on actual gas consumption is important to help customers to control their gas consumption and costs. Nevertheless, customers, in particular household customers, should have access to flexible arrangements for the actual payment of their bills.	(38) The regular provision of accurate billing information based on actual gas consumption, facilitated by smart metering, is important to help customers to control their gas consumption and costs. Nevertheless, customers, in particular household customers, should have access to flexible arrangements for the actual payment of their bills.	
Recital 39				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
49	(39) A key aspect in supplying customers is access to objective and transparent consumption data. Thus, consumers should have access to their consumption data and associated prices and services costs so that they can invite competitors to make an offer based on that information. Consumers should also have the right to be properly informed about their energy consumption. Prepayments should not place a disproportionate disadvantage on their users, while different payment systems should be non-discriminatory. Information on energy costs provided to consumers frequently enough should create incentives for energy savings because it will give customers direct feedback on the effects of investment in energy efficiency and change of behaviour.	(39) A key aspect in supplying customers is access to objective and transparent consumption data. Thus, consumers should have access to their consumption data and associated prices and services costs so that they can invite competitors to make an offer based on that information. Consumers should also have the right to be properly informed about their energy consumption. Prepayments should not place a disproportionate disadvantage on their users, while different payment systems should be non-discriminatory. Information on energy costs provided to consumers frequently enough should create incentives for energy savings because it will give customers direct feedback on the effects of investment in energy efficiency and change of behaviour.	(39) A key aspect in supplying customers is access to objective and transparent consumption data. Thus, consumers should have access to their consumption data and associated prices and services costs so that they can invite competitors to make an offer based on that information. Consumers should also have the right to be properly informed about their energy consumption. Prepayments should not place a disproportionate disadvantage on their users, while different payment systems should be non-discriminatory. Information on energy costs provided to consumers frequently enough should create incentives for energy savings because it will give customers direct feedback on the effects of investment in energy efficiency and change of behaviour.	
Recital 40				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
50	<p>(40) When deciding at national level on the deployment of natural gas smart metering systems, it should be possible to base such decision on an economic assessment. That economic assessment should take into account the long-term benefits of the deployment of smart metering systems to consumers and the whole value chain. Should that assessment conclude that the introduction of such metering systems is economically reasonable and cost-effective only for consumers with a certain amount of natural gas consumption, Member States should be able to take this into account when proceeding with deployment. However, such assessments should be reviewed regularly in response to significant changes in the underlying assumptions, or at least every four years, given the fast pace of technological developments.</p>	<p>(40) ■ Deciding at national level on the deployment of natural gas smart metering systems <i>for customers</i> should be <i>dependent on a positive cost-benefit assessment, to avoid stranded investments for customers</i>. That economic assessment should take into account the long-term benefits of the deployment of smart metering systems to <i>customers, including customers' benefits arising from the use of smart meters and signing up for smart meter-enabled offers</i>, and the whole value chain. Should that assessment conclude that the introduction of such metering systems is economically reasonable and cost-effective only for <i>industrial</i> consumers with a certain amount of natural gas consumption, Member States should be able to take this into account when proceeding with deployment. ■</p>	<p>(40) When deciding at national level on the deployment of natural gas smart metering systems, it should be possible to base such decision- on an economic assessment. That economic assessment should take into account the long-term benefits of the deployment of smart metering systems to consumers and the whole value chain. Should that assessment conclude that the introduction of such metering systems is economically reasonable and cost-effective only for consumers with a certain amount of natural gas consumption, Member States should be able to take this into account when proceeding with deployment. However, such assessments should be reviewed regularly in response to significant changes in the underlying assumptions, or at least every four years, given the fast pace of technological developments.</p>	
Recital 41				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
51	<p>(41) In order to assist final customers' active participation in the market, the smart metering systems to be deployed should have due regard to the use of relevant available standards, including those enabling interoperability on the level of the data model and the application layer, to best practices and the importance of the development of data exchange, to future and innovative energy services. Moreover, the smart metering systems that are deployed should not represent a barrier to switching supplier in the case of natural gas consumers, and should be equipped with fit-for-purpose functionalities that allow final customers to have timely access to their consumption data, to modulate their energy behaviour, be rewarded for it, and obtain savings in their bills.</p>	<p>(41) In order to assist final customers' active participation in the market, the smart metering systems <b>that could</b> be deployed, <b>subject to a positive cost-benefit assessment</b>, should have due regard to the use of relevant available standards, including those enabling interoperability on the level of the data model and the application layer, to best practices and the importance of the development of data exchange, to future and innovative energy services. Moreover, the smart metering systems that are deployed should not represent a barrier to switching supplier in the case of natural gas consumers, and should be equipped with fit-for-purpose functionalities that allow final customers to have timely access to their consumption data, to modulate their energy behaviour, be rewarded for it, and obtain savings in their bills. <b>Consumer groups should be advised on how to improve their energy efficiency by using smart meters.</b></p>	<p>(41) In order to assist final customers' active participation in the market, the smart metering systems to be deployed should have due regard to the use of relevant available standards, including those enabling interoperability on the level of the data model and the application layer, to best practices and the importance of the development of data exchange, to future and innovative energy services. Moreover, the smart metering systems that are deployed should not represent a barrier to switching supplier in the case of natural gas consumers, and should be equipped with fit-for-purpose functionalities that allow final customers to have timely access to their consumption data, to modulate their energy behaviour, be rewarded for it, and obtain savings in their bills.</p>	
Recital 42				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
52	(42) Member States that do not systematically deploy smart metering in the natural gas system should allow consumers to benefit from the installation of a smart meter, upon request and under fair and reasonable conditions, and should provide them with all the relevant information.	(42) Member States that do not systematically deploy smart metering in the natural gas system should allow <i>industrial</i> consumers to benefit from the installation of a smart meter, upon request and under fair and reasonable conditions, and should provide them with all the relevant information.	(42) Member States that do not systematically deploy smart metering in the natural gas system should allow consumers to benefit from the installation of a smart meter, upon request <del>and</del> , under fair and reasonable conditions <b>while bearing the associated costs</b> , and should provide them with all the relevant information.	
Recital 43				
53	(43) Currently, different models for the management of data have been developed or are under development in Member States following deployment of smart metering systems. Independently of the data management model it is important that Member States put in place transparent rules that data can be accessed under non-discriminatory conditions and ensure the highest level of cybersecurity and data protection as well as the impartiality of the entities which process data.	(43) Currently, different models for the management of data have been developed or are under development in Member States following deployment of smart metering systems. Independently of the data management model it is important that Member States put in place transparent rules that data can be accessed under non-discriminatory conditions and ensure the highest level of cybersecurity and data protection as well as the impartiality of the entities which process data.	(43) Currently, different models for the management of data have been developed or are under development in Member States following deployment of smart metering systems. Independently of the data management model it is important that Member States put in place transparent rules that data can be accessed under non-discriminatory conditions and ensure the highest level of cybersecurity and data protection as well as the impartiality of the entities which process data.	
Recital 44				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
54	(44) Greater consumer protection is guaranteed by the availability of effective means of dispute settlement for all consumers. Member States should provide for speedy and effective complaint handling procedures.	(44) Greater consumer protection is guaranteed by the availability of effective means of dispute settlement for all <i>costumers</i> . Member States should provide for speedy and effective complaint handling procedures. <b><i>Guidance about where and how to complain should be provided in costumer contracts and billing information.</i></b>	(44) Greater consumer protection is guaranteed by the availability of effective means of dispute settlement for all consumers. Member States should provide for speedy and effective complaint handling procedures.	
Recital 45				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
55	<p>(45) Member States should take appropriate measures, such as providing benefits by means of their social security systems, to ensure the necessary supply to vulnerable customers, or providing for support for energy efficiency improvements, to address energy poverty where identified pursuant to Article 3(3), point (d) of Regulation (EU) 2018/1999 of the European Parliament and of the Council<sup>1</sup>, including in the broader context of poverty. Such measures could differ according to the particular circumstances in the Member States in question and could include social or energy policy measures relating to the payment of any <del>gases</del> bills, to investment in the energy efficiency of residential buildings, or to consumer protection such as disconnection safeguards.</p> <p><sup>1</sup> Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).</p>	<p>(45) Member States should take appropriate measures, such as providing benefits by means of their social security systems, to ensure the necessary supply to vulnerable customers, or providing for support for energy efficiency improvements, <b>including building renovations, and renewable energy deployment, to sustainably</b> address energy poverty where identified pursuant to Article 3(3), point (d) of Regulation (EU) 2018/1999 of the European Parliament and of the Council<sup>13</sup> <b>and Directive (EU) .../...<sup>14+</sup></b>, including in the broader context of poverty. Such measures could differ according to the particular circumstances in the Member States in question and <b>should</b> include social or energy policy measures relating to the payment of any <b>gas</b> bills, to investment in the energy efficiency of residential buildings, or to consumer protection such as disconnection safeguards.</p> <p><b>Disconnection of vulnerable customers or customers affected by or at risk of energy poverty should be prohibited in critical times and in any event during the winter.</b></p> <p><b>13. Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives</b></p>	<p>(45) Member States should take appropriate measures, such as providing benefits by means of their social security systems, to ensure the necessary supply to vulnerable customers, or providing for support for energy efficiency improvements, to address energy poverty where identified pursuant to Article 3(3), point (d) of Regulation (EU) 2018/1999 of the European Parliament and of the Council<sup>1</sup>, including in the broader context of poverty. Such measures could differ according to the particular circumstances in the Member States in question and could include social or energy policy measures relating to the payment of any <del>gases</del><b>gas</b> bills, to investment in the energy efficiency of residential buildings, or to consumer protection such as disconnection safeguards.</p> <p><sup>1</sup> Regulation (EU) 2018/1999 of the European Parliament and of the Council of 11 December 2018 on the Governance of the Energy Union and Climate Action, amending Regulations (EC) No 663/2009 and (EC) No 715/2009 of the European Parliament and of the Council, Directives 94/22/EC, 98/70/EC, 2009/31/EC, 2009/73/EC, 2010/31/EU, 2012/27/EU and 2013/30/EU of the European Parliament and of the Council, Council Directives 2009/119/EC and (EU) 2015/652 and repealing Regulation (EU) No 525/2013 of the European Parliament and of the Council (OJ L 328, 21.12.2018, p. 1).</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 46				
56	<p>(46) Pursuant to Regulation (EU) 2018/1999 and Directive (EU) 2019/944 of the European Parliament and of the Council<sup>1</sup>, the Commission provided indicative guidance<sup>2</sup> on appropriate indicators for measuring energy poverty and defining a ‘significant number of households in energy poverty’.</p> <p>1. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125). 2. Commission Recommendation of 14.10.2020 on energy poverty, C(2020) 9600 final</p>	<p>(46) Pursuant to Regulation (EU) 2018/1999 and Directive (EU) 2019/944<sup>1</sup>, the Commission provided indicative guidance<sup>15</sup> on appropriate indicators for measuring energy poverty and defining a ‘significant number of households in energy poverty’. <b>Directive (EU) .../...<sup>+</sup> provides for a clear definition and a back-up set of criteria in the event that a Member State fails to define energy poverty in accordance with the relevant law.</b></p> <p><b>15. Commission Recommendation of 14.10.2020 on energy poverty, C(2020) 9600 final.</b> <b>+ OJ: Please insert in the text the number of the Directive contained in document PE-CONS .../... (2021/0203(COD)).</b></p>	<p>(46) Pursuant to Regulation (EU) 2018/1999 and Directive (EU) 2019/944 of the European Parliament and of the Council<sup>1</sup>, the Commission <b>Recommendation of 14 October 2020 on energy poverty</b><sup>2</sup> provided indicative guidance<sup>2</sup> on appropriate indicators for measuring energy poverty and defining a ‘significant number of households in energy poverty’.</p> <p>1. Directive (EU) 2019/944 of the European Parliament and of the Council of 5 June 2019 on common rules for the internal market for electricity and amending Directive 2012/27/EU (OJ L 158, 14.6.2019, p. 125). 2. Commission Recommendation of 14.10.2020 on energy poverty, C(2020) 9600 final <b>OJ L 357, 27.10.2020, p. 35.</b></p>	
Recital 47				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
57	<p>(47) The simplification and streamlining of administrative permit granting processes and clear time limits for decisions to be taken by the authorities competent for issuing an authorisation should ensure that the deployment of hydrogen production facilities and hydrogen system infrastructure can occur at an adequate pace. Member States should be requested to report on progress made. Grandfathering of authorisations (such as licences, permissions, concessions or approvals), granted under national law for the construction and operation of existing natural gas pipelines and other network assets, is needed once the transported gaseous energy carrier in a gas pipeline changes from natural gas to (pure) hydrogen. This should prevent undue delay in repurposing existing natural gas pipelines and other networks assets for hydrogen transport. It should be avoided that conditions for granting authorisations for hydrogen system infrastructure are materially different unless sufficiently justified. Technical safety considerations might justify a differentiated approach in grandfathering existing or issuing new authorisations. The provisions on authorisation procedures should apply without prejudice to international and Union law, including provisions to protect</p>	<p>(47) The simplification and streamlining of administrative permit granting processes and clear time limits for decisions to be taken by the authorities competent for issuing an authorisation should ensure that the deployment of hydrogen production facilities and hydrogen system infrastructure can occur at an adequate pace <b>without hampering public consultations</b>. Member States should be requested to report on progress made. Grandfathering of authorisations (such as licences, permissions, concessions or approvals), granted under national law for the construction and operation of existing natural gas pipelines and other network assets, is needed once the transported gaseous energy carrier in a gas pipeline changes from natural gas to (pure) hydrogen. This should prevent undue delay in repurposing existing natural gas pipelines and other networks assets for hydrogen transport. It should be avoided that conditions for granting authorisations for hydrogen system infrastructure are materially different unless sufficiently justified. Technical safety considerations <b>could</b> justify a differentiated approach in grandfathering existing or issuing new authorisations. The provisions on authorisation procedures should apply without prejudice to international and Union</p>	<p>(47) The simplification and streamlining of administrative permit granting processes and clear time limits for decisions to be taken by the authorities competent for issuing an authorisation should ensure that the deployment of hydrogen production facilities and hydrogen system infrastructure can occur at an adequate pace. Member States should be requested to report on progress made. Grandfathering of authorisations (such as licences, permissions, concessions or approvals), granted under national law for the construction and operation of existing natural gas pipelines and other network assets, is needed once the transported gaseous energy carrier in a gas pipeline changes from natural gas to (pure) hydrogen. This <b>grandfathering of authorisations should not affect the validity of technical safety requirements for hydrogen infrastructure, nor the possibility for competent authorities to monitor compliance with such requirements and to take appropriate and proportionate enforcement measures, including a possible revocation of the grandfathered authorisations, if justified</b>. This should prevent undue delay in repurposing existing natural gas pipelines and other networks assets for hydrogen transport. It should be</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 48				
58	(48) Providing guidance to applicants throughout their administrative permit application and granting processes by means of an administrative contact point is intended to reduce complexity for project developers and increase efficiency and transparency. The availability for applicants to submit relevant documents in digital form and the availability of a manual of procedures for applicants could contribute to efficiency. Member States should ensure that the authorities implementing authorisation procedures are actively involved in the tackling of remaining barriers, including non-financial ones such as insufficient knowledge, digital and human resources that hinder their processing of a growing number of authorisation procedures.	(48) Providing guidance to applicants throughout their administrative permit application and granting processes by means of an administrative contact point is intended to reduce complexity for project developers and increase efficiency and transparency. The availability for applicants to submit relevant documents in digital form and the availability of a manual of procedures for applicants could contribute to efficiency. Member States should ensure that the authorities implementing authorisation procedures are actively involved in the tackling of remaining barriers, including non-financial ones such as insufficient knowledge, digital and human resources that hinder their processing of a growing number of authorisation procedures.	(48) Providing guidance to applicants throughout their administrative permit application and granting processes by means of an administrative contact point is intended to reduce complexity for project developers and increase efficiency and transparency. The availability for applicants to submit relevant documents in digital form and the availability of a manual of procedures for applicants could contribute to efficiency. Member States should ensure that the authorities implementing authorisation procedures are actively involved in the tackling of remaining barriers, including non-financial ones such as insufficient knowledge, digital and human resources that hinder their processing of a growing number of authorisation procedures.	
Recital 49				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
59	(49) Without effective separation of networks from activities of production and supply (effective unbundling), there is a risk of discrimination not only in the operation of the network but also in the incentives for vertically integrated undertakings to invest adequately in their networks.	(49) Without effective separation of networks from activities of production and supply (effective unbundling), there is a risk of discrimination not only in the operation of the network but also in the incentives for vertically integrated undertakings to invest adequately in their networks.	(49) Without effective separation of networks from activities of production and supply (effective unbundling), there is a risk of discrimination not only in the operation of the network but also in the incentives for vertically integrated undertakings to invest adequately in their networks.	
Recital 50				
60	(50) The rules on legal and functional unbundling as provided for in Directive 2003/55/EC have not, however, led to effective unbundling of the transmission system operators. At its meeting on 8 and 9 March 2007, the European Council therefore invited the Commission to develop legislative proposals for the 'effective separation of supply and production activities from network operations'.	(50) The rules on legal and functional unbundling as provided for in Directive 2003/55/EC have not, however, led to effective unbundling of the transmission system operators. At its meeting on 8 and 9 March 2007, the European Council therefore invited the Commission to develop legislative proposals for the 'effective separation of supply and production activities from network operations'.	(50) The rules on legal and functional unbundling as provided for in Directive 2003/55/EC have not, however, led to effective unbundling of the transmission system operators. At its meeting on 8 and 9 March 2007, the European Council therefore invited the Commission to develop legislative proposals for the 'effective separation of supply and production activities from network operations'.	
Recital 51				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
61	<p>(51) Only the removal of the incentive for vertically integrated undertakings to discriminate against competitors as regards network access and investment can ensure effective unbundling. Ownership unbundling, which implies the appointment of the network owner as the system operator and its independence from any supply and production interests, is clearly an effective and stable way to solve the inherent conflict of interests and to ensure security of supply. For that reason, the European Parliament, in its resolution of 10 July 2007 on prospects for the internal gas and electricity market referred to ownership unbundling at transmission level as the most effective tool to promote investments in infrastructure in a non-discriminatory way, fair access to the network for new entrants and transparency in the market. Under ownership unbundling, Member States should therefore be required to ensure that the same person or persons are not entitled to exercise control over a production or supply undertaking and, at the same time, exercise control or any right over a transmission system operator or transmission system. Conversely, control over a transmission system or transmission system operator should preclude the possibility of exercising control or any right over a</p>	<p>(51) Only the removal of the incentive for vertically integrated undertakings to discriminate against competitors as regards network access and investment can ensure effective unbundling. Ownership unbundling, which implies the appointment of the network owner as the system operator and its independence from any supply and production interests, is clearly an effective and stable way to solve the inherent conflict of interests and to ensure security of supply. For that reason, the European Parliament, in its resolution of 10 July 2007 on prospects for the internal gas and electricity market referred to ownership unbundling at transmission level as the most effective tool to promote investments in infrastructure in a non-discriminatory way, fair access to the network for new entrants and transparency in the market. Under ownership unbundling, Member States should therefore be required to ensure that the same person or persons are not entitled to exercise control over a production or supply undertaking and, at the same time, exercise control or any right over a transmission system operator or transmission system. Conversely, control over a transmission system or transmission system operator should preclude the possibility of exercising control or any right over a</p>	<p>(51) Only the removal of the incentive for vertically integrated undertakings to discriminate against competitors as regards network access and investment can ensure effective unbundling. Ownership unbundling, which implies the appointment of the network owner as the system operator and its independence from any supply and production interests, is clearly an effective and stable way to solve the inherent conflict of interests and to ensure security of supply. For that reason, the European Parliament, in its resolution of 10 July 2007 on prospects for the internal gas and electricity market referred to ownership unbundling at transmission level as the most effective tool to promote investments in infrastructure in a non-discriminatory way, fair access to the network for new entrants and transparency in the market. Under ownership unbundling, Member States should therefore be required to ensure that the same person or persons are not entitled to exercise control over a production or supply undertaking and, at the same time, exercise control or any right over a transmission system operator or transmission system. Conversely, control over a transmission system or transmission system operator should preclude the possibility of exercising control or any right over a</p>	

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

2021/0425(COD) 25-05-2023 at 21h02 65/281

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 52				
62	(52) Any system for unbundling should be effective in removing any conflict of interests between producers, suppliers and transmission system operators, in order to create incentives for the necessary investments and guarantee the access of new market entrants under a transparent and efficient regulatory regime and should not create an overly onerous regulatory regime for regulatory authorities.	(52) Any system for unbundling should be effective in removing any conflict of interests between producers, suppliers and transmission system operators, in order to create incentives for the necessary investments and guarantee the access of new market entrants under a transparent and efficient regulatory regime and should not create an overly onerous regulatory regime for regulatory authorities.	(52) Any system for unbundling should be effective in removing any conflict of interests between producers, suppliers and transmission system operators, in order to create incentives for the necessary investments and guarantee the access of new market entrants under a transparent and efficient regulatory regime and should not create an overly onerous regulatory regime for regulatory authorities.	
Recital 53				
63	(53) The definition of the term ‘control’ is taken from Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) <sup>1</sup> .  <sup>1</sup> OJ L 24, 29.1.2004, p. 1.	(53) The definition of the term ‘control’ is taken from Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) <sup>16</sup> .  <sup>16</sup> OJ L 24, 29.1.2004, p. 1.	(53) The definition of the term ‘control’ is taken from Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (the EC Merger Regulation) <sup>1</sup> .  <sup>1</sup> [I] OJ L 24, 29.1.2004, p. 1.	
Recital 54				
64	(54) In view of the vertical links between the electricity and gas sectors, the unbundling provisions should apply across the two sectors.	(54) In view of the vertical links between the electricity and gas sectors, the unbundling provisions should apply across the two sectors.	(54) In view of the vertical links between the electricity and gas sectors, the unbundling provisions should apply across the two sectors <b>as specified in details in respective Articles of this Directive.</b>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 55				
65	(55) In contrast, with regard to the hydrogen sector, the emergence of vertically integrated undertakings could be avoided in the first place by setting clear up-front rules. This is preferable over costly ex-post unbundling requirements that would take time to implement.	(55) █	(55) In contrast, with regard to the hydrogen sector, the emergence of vertically integrated undertakings could be avoided in the first place by setting clear up-front rules. This is preferable over costly ex-post unbundling requirements that would take time to implement.	
Recital 56				
66	(56) Under ownership unbundling, to ensure full independence of network operation from supply and production interests and to prevent exchanges of any confidential information, the same person should not be a member of the managing boards of both a transmission system operator or a transmission system and an undertaking performing any of the functions of production or supply. For the same reason, the same person should not be entitled to appoint members of the managing boards of a transmission system operator or a transmission system and to exercise control or any right over a production or supply undertaking.	(56) Under ownership unbundling, to ensure full independence of network operation from supply and production interests and to prevent exchanges of any confidential information, the same person should not be a member of the managing boards of both a transmission system operator or a transmission system and an undertaking performing any of the functions of production or supply. For the same reason, the same person should not be entitled to appoint members of the managing boards of a transmission system operator or a transmission system and to exercise control or any right over a production or supply undertaking.	(56) Under ownership unbundling, to ensure full independence of network operation from supply and production interests and to prevent exchanges of any confidential information, the same person should not be a member of the managing boards of both a transmission system operator or a transmission system and an undertaking performing any of the functions of production or supply. For the same reason, the same person should not be entitled to appoint members of the managing boards of a transmission system operator or a transmission system and to exercise control or any right over a production or supply undertaking.	
Recital 57				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
67	(57) The setting up of a system operator or a transmission operator that is independent from supply and production interests should enable a vertically integrated undertaking to maintain its ownership of network assets whilst ensuring an effective separation of interests, provided that such independent system operator or such independent transmission operator performs all the functions of a system operator and detailed regulation and extensive regulatory control mechanisms are put in place.	(57) The setting up of a system operator or a transmission operator that is independent from supply and production interests should enable a vertically integrated undertaking to maintain its ownership of network assets whilst ensuring an effective separation of interests, provided that such independent system operator or such independent transmission operator performs all the functions of a system operator and detailed regulation and extensive regulatory control mechanisms are put in place.	(57) The setting up of a system operator or a transmission operator that is independent from supply and production interests should enable a vertically integrated undertaking to maintain its ownership of network assets whilst ensuring an effective separation of interests, provided that such independent system operator or such independent transmission operator performs all the functions of a system operator and detailed regulation and extensive regulatory control mechanisms are put in place.	
Recital 58				
68	(58) Where, on 3 September 2009, an undertaking owning a transmission system was part of a vertically integrated undertaking, Member States should therefore be given a choice between ownership unbundling and setting up a system operator or transmission operator which is independent from supply and production interests.	(58) Where, on 3 September 2009, an undertaking owning a transmission system was part of a vertically integrated undertaking, Member States should therefore be given a choice between ownership unbundling and setting up a system operator or transmission operator which is independent from supply and production interests.	(58) Where, on 3 September 2009, an undertaking owning a transmission system was part of a vertically integrated undertaking, Member States should therefore be given a choice between ownership unbundling and setting up a system operator or transmission operator which is independent from supply and production interests.	
Recital 59				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
69	(59) To fully preserve the interests of the shareholders of vertically integrated undertakings, Member States should have the choice of implementing ownership unbundling either by direct divestiture or by splitting the shares of the integrated undertaking into shares of the network undertaking and shares of the remaining supply and production undertaking, provided that the requirements resulting from ownership unbundling are complied with.	(59) To fully preserve the interests of the shareholders of vertically integrated undertakings, Member States should have the choice of implementing ownership unbundling either by direct divestiture or by splitting the shares of the integrated undertaking into shares of the network undertaking and shares of the remaining supply and production undertaking, provided that the requirements resulting from ownership unbundling are complied with.	(59) To fully preserve the interests of the shareholders of vertically integrated undertakings, Member States should have the choice of implementing ownership unbundling either by direct divestiture or by splitting the shares of the integrated undertaking into shares of the network undertaking and shares of the remaining supply and production undertaking, provided that the requirements resulting from ownership unbundling are complied with.	
Recital 60				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
70	<p>(60) The full effectiveness of the independent system operator or independent transmission operator solutions should be ensured by way of specific additional rules. The rules on the independent transmission operator provide an appropriate regulatory framework to guarantee fair competition, sufficient investment, access for new market entrants and the integration of gas markets. Effective unbundling through the independent transmission operator provisions should be based on a pillar of organisational measures and measures relating to the governance of transmission system operators and on a pillar of measures relating to investment, connecting new production capacities to the network and market integration through regional cooperation. The independence of the transmission operator should also, inter alia, be ensured through certain ‘cooling-off’ periods during which no management or other relevant activity giving access to the same information as could have been obtained in a managerial position is exercised in the vertically integrated undertaking.</p>	<p>(60) The full effectiveness of the independent system operator or independent transmission operator solutions should be ensured by way of specific additional rules. The rules on the independent transmission operator provide an appropriate regulatory framework to guarantee fair competition, sufficient investment, access for new market entrants and the integration of gas markets. Effective unbundling through the independent transmission operator provisions should be based on a pillar of organisational measures and measures relating to the governance of transmission system operators and on a pillar of measures relating to investment, connecting new production capacities to the network and market integration through regional cooperation. The independence of the transmission operator should also, inter alia, be ensured through certain ‘cooling-off’ periods during which no management or other relevant activity giving access to the same information as could have been obtained in a managerial position is exercised in the vertically integrated undertaking.</p>	<p>(60) The full effectiveness of the independent system operator or independent transmission operator solutions should be ensured by way of specific additional rules. The rules on the independent transmission operator provide an appropriate regulatory framework to guarantee fair competition, sufficient investment, access for new market entrants and the integration of gas markets. Effective unbundling through the independent transmission operator provisions should be based on a pillar of organisational measures and measures relating to the governance of transmission system operators and on a pillar of measures relating to investment, connecting new production capacities to the network and market integration through regional cooperation. The independence of the transmission operator should also, inter alia, be ensured through certain ‘cooling-off’ periods during which no management or other relevant activity giving access to the same information as could have been obtained in a managerial position is exercised in the vertically integrated undertaking.</p>	
Recital 61				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
71	(61) In order to develop competition in the internal market in gas, large non-household customers, engaged in large-scale commercial activities, should be able to choose their suppliers and enter into contracts with several suppliers to secure their gas requirements. Such customers should be protected against exclusivity clauses, the effect of which is to exclude competing or complementary offers.	(61) In order to develop competition in the internal market in gas, large non-household customers, engaged in large-scale commercial activities, should be able to choose their suppliers and enter into contracts with several suppliers to secure their gas requirements. Such customers should be protected against exclusivity clauses, the effect of which is to exclude competing or complementary offers.	(61) In order to develop competition in the internal market in gas, large non-household customers, engaged in large-scale commercial activities, should be able to choose their suppliers and enter into contracts with several suppliers to secure their gas requirements. Such customers should be protected against exclusivity clauses, the effect of which is to exclude competing or complementary offers.	
Recital 62				
72	(62) A Member State should have the right to opt for full ownership unbundling in its territory. Where a Member State has exercised that right, an undertaking should not have the right to set up an independent system operator or an independent transmission operator. Furthermore, an undertaking performing any of the functions of production or supply should not directly or indirectly exercise control or any right over a transmission system operator from a Member State that has opted for full ownership unbundling.	(62) A Member State should have the right to opt for full ownership unbundling in its territory. Where a Member State has exercised that right, an undertaking should not have the right to set up an independent system operator or an independent transmission operator. Furthermore, an undertaking performing any of the functions of production or supply should not directly or indirectly exercise control or any right over a transmission system operator from a Member State that has opted for full ownership unbundling.	(62) A Member State should have the right to opt for full ownership unbundling in its territory. Where a Member State has exercised that right, an undertaking should not have the right to set up an independent system operator or an independent transmission operator. Furthermore, an undertaking performing any of the functions of production or supply should not directly or indirectly exercise control or any right over a transmission system operator from a Member State that has opted for full ownership unbundling.	
Recital 63				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
73	(63) Different types of market organisation exist in the internal market in natural gas. The measures that Member States could take in order to ensure a level playing field should be based on overriding requirements of general interest. The Commission should be consulted on the compatibility of the measures with the TFEU and Union law.	(63) Different types of market organisation exist in the internal market in natural gas. The measures that Member States could take in order to ensure a level playing field should be based on overriding requirements of general interest. The Commission should be consulted on the compatibility of the measures with the TFEU and Union law.	(63) Different types of market organisation exist in the internal market in natural gas. The measures that Member States could take in order to ensure a level playing field should be based on overriding requirements of general interest. The Commission should be consulted on the compatibility of the measures with the TFEU and Union law.	
Recital 64				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
74	(64) The implementation of effective unbundling should respect the principle of non-discrimination between the public and private sectors. To that end, the same person should not be able to exercise control or any right, in violation of the rules of ownership unbundling or the independent system operator option, solely or jointly, over the composition, voting or decision of the bodies of both the transmission system operators or the transmission systems and the production or supply undertakings. With regard to ownership unbundling and the independent system operator solution, provided that the Member State in question is able to demonstrate that the requirement is complied with, two separate public bodies should be able to control production and supply activities on the one hand and transmission activities on the other.	(64) The implementation of effective unbundling should respect the principle of non-discrimination between the public and private sectors. To that end, the same person should not be able to exercise control or any right, in violation of the rules of ownership unbundling or the independent system operator option, solely or jointly, over the composition, voting or decision of the bodies of both the transmission system operators or the transmission systems and the production or supply undertakings. With regard to ownership unbundling and the independent system operator solution, provided that the Member State in question is able to demonstrate that the requirement is complied with, two separate public bodies should be able to control production and supply activities on the one hand and transmission activities on the other.	(64) The implementation of effective unbundling should respect the principle of non-discrimination between the public and private sectors. To that end, the same person should not be able to exercise control or any right, in violation of the rules of ownership unbundling or the independent system operator option, solely or jointly, over the composition, voting or decision of the bodies of both the transmission system operators or the transmission systems and the production or supply undertakings. With regard to ownership unbundling and the independent system operator solution, provided that the Member State in question is able to demonstrate that the requirement is complied with, two separate public bodies should be able to control production and supply activities on the one hand and transmission activities on the other.	
Recital 65				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
75	<p>(65) Fully effective separation of network activities from supply and production activities should apply throughout the Union to both Union and non-Union undertakings. To ensure that network activities and supply and production activities throughout the Union remain independent from each other, regulatory authorities should be empowered to refuse certification to transmission system operators that do not comply with the unbundling rules. To ensure the consistent application of those rules across the Union, the regulatory authorities should take utmost account of the Commission's opinion when the former take decisions on certification. To ensure, in addition, respect for the international obligations of the Union and solidarity and energy security within the Union, the Commission should have the right to give an opinion on certification in relation to a transmission system owner or a transmission system operator which is controlled by a person or persons from a third country or third countries.</p>	<p>(65) Fully effective separation of network activities from supply and production activities should apply throughout the Union to both Union and non-Union undertakings. To ensure that network activities and supply and production activities throughout the Union remain independent from each other, regulatory authorities should be empowered to refuse certification to transmission system operators that do not comply with the unbundling rules. To ensure the consistent application of those rules across the Union, the regulatory authorities should take utmost account of the Commission's opinion when the former take decisions on certification. To ensure, in addition, respect for the international obligations of the Union and solidarity and energy security within the Union, the Commission should have the right to give an opinion on certification in relation to a transmission system owner or a transmission system operator which is controlled by a person or persons from a third country or third countries.</p>	<p>(65) Fully effective separation of network activities from supply and production activities should apply throughout the Union to both Union and non-Union undertakings. To ensure that network activities and supply and production activities throughout the Union remain independent from each other, regulatory authorities should be empowered to refuse certification to transmission system operators that do not comply with the unbundling rules. To ensure the consistent application of those rules across the Union, the regulatory authorities should take utmost account of the Commission's opinion when the former take decisions on certification. To ensure, in addition, respect for the international obligations of the Union and solidarity and energy security within the Union, the Commission should have the right to give an opinion on certification in relation to a transmission system owner or a transmission system operator which is controlled by a person or persons from a third country or third countries.</p>	
Recital 66				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
76	<p>(66) Pipeline networks for hydrogen should constitute an important means of efficient and sustainable transport for hydrogen, both onshore and offshore. As a result of the high capital expenditure required for their construction, hydrogen pipeline networks could constitute natural monopolies. Experience with the regulation of natural gas markets has shown the importance of ensuring open and non-discriminatory access to pipeline networks with a view to safeguarding competition on commodity markets. Therefore, well-established principles of network operation, such as third-party access, should be applicable to onshore and offshore hydrogen networks in the Union.</p>	<p>(66) Pipeline networks for hydrogen <i>will</i> constitute an important means of efficient and sustainable transport for hydrogen, both onshore and offshore, <i>and complement the transport for hydrogen by other means such as liquid hydrogen, ammonia or other hydrogen carriers</i>. As a result of the high capital expenditure required for their construction, hydrogen pipeline networks could constitute natural monopolies. Experience with the regulation of natural gas markets has shown the importance of ensuring open and non-discriminatory access to pipeline networks with a view to safeguarding competition on commodity markets. Therefore, well-established principles of network operation, such as third-party access, should be applicable to onshore and offshore hydrogen networks in the Union. <i>The development of and the investment in such pipeline networks for hydrogen should be based on reasonable assumptions about the future demand and production of hydrogen and follow a transparent planning process, including stakeholder consultations.</i></p>	<p>(66) Pipeline networks for hydrogen should constitute an important means of efficient and sustainable transport for hydrogen, both onshore and offshore. As a result of the high capital expenditure required for their construction, hydrogen pipeline networks could constitute natural monopolies. Experience with the regulation of natural gas markets has shown the importance of ensuring open and non-discriminatory access to pipeline networks with a view to safeguarding competition on commodity markets. Therefore, well-established principles of network operation, such as third-party access, should be applicable to onshore and offshore hydrogen networks in the Union.</p>	
Recital 67				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
77	<p>(67) The operation of hydrogen networks should be separated from activities of energy production and supply in order to avoid the risk of conflicts of interest on behalf of the network operators. The structural separation of ownership of hydrogen networks and participations in energy production and supply guarantees the absence of such conflicts of interest. Member States should be able to rely on the alternative unbundling model of “integrated hydrogen network operator” until 2030 to provide a transitional period for existing vertically integrated hydrogen networks. Member States should also be able to allow the use of the “independent hydrogen network operator” model to allow vertically integrated owners of hydrogen networks to retain ownership of their networks while ensuring the non-discriminatory operation of such networks after 2030.</p>	<p>(67) The operation of hydrogen networks should be separated from activities of energy production and supply in order to avoid the risk of conflicts of interest on behalf of the network operators. The structural separation of ownership of hydrogen networks and participations in energy production and supply guarantees the absence of such conflicts of interest. Member States should be able to rely on the alternative unbundling model of “integrated hydrogen <i>transmission</i> network operator” to provide a <i>level playing field</i> for existing vertically integrated hydrogen networks. Member States should also be able to allow the use of the “independent hydrogen network operator” model to allow vertically integrated owners of hydrogen <i>transmission</i> networks to retain ownership of their networks while ensuring the non-discriminatory operation of such networks .</p>	<p>(67) The operation of hydrogen networks should be separated from activities of energy production and supply in order to avoid the risk of conflicts of interest on behalf of the network operators. The structural separation of ownership of hydrogen networks and participations in energy production and supply guarantees the absence of such conflicts of interest. Member States should be able to rely on the alternative unbundling model of “integrated hydrogen network operator” until 2030 to provide a transitional period for <b>transmission system operators for natural gas subject to the “Independent Transmission Operator” unbundling model and</b> for existing vertically integrated hydrogen networks. Member States should also be able to allow the use of the “independent hydrogen network operator” model to allow vertically integrated owners of hydrogen networks to retain ownership of their networks while ensuring the non-discriminatory operation of such networks after 2030.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
77a		<p><i>(67a) In the long term, rights and obligations for the transport of hydrogen is intended to be the same as for the transport of natural gas. The regulatory framework for electricity and gas should therefore also apply to hydrogen, including the requirements to distinguish between the transmission and distribution of hydrogen and to apply the unbundling of distribution system operators to hydrogen distribution network operators.</i></p>		
Recital 68				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
78	<p>(68) Whereas the joint operation of hydrogen networks and gas or electricity grids can create synergies and should thus be allowed, activities of hydrogen network operation should be organised in a separate legal entity in order to ensure transparency regarding financing and the use of access tariffs.</p>	<p>(68) ■ The joint operation of hydrogen networks and gas or electricity grids can create synergies and should <i>therefore</i> be allowed. <b><i>Transparency regarding financing and the use of access tariffs should be ensured with a clear and transparent separation of accounts under the monitoring of the regulatory authorities. Where a hydrogen network operator is part of an undertaking active in transmission or distribution of natural gas or electricity, the network operator should submit to the regulatory authority a list detailing the infrastructure assets of the undertakings regarding the allocation of the grid to the use of hydrogen or natural gas aiming to ensure full transparency regarding the separation of the regulatory asset base. That list should be updated in line with the usual auditing procedures for accounts.</i></b></p>	<p>(68) Whereas the joint operation of hydrogen networks and gas or electricity grids can create synergies and should thus be allowed, activities of hydrogen network operation should be organised in a separate legal entity in order to ensure transparency regarding financing and the use of access tariffs.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
78a		<i>(68a) Given the unprecedented nature of the European hydrogen market, ACER should assess, within 10 years of the entry into force of this Directive, how the application of the unbundling rules laid down in this Directive influence the development of the hydrogen market. The Commission should address potential substantiated structural shortcoming of this Directive.</i>		
Recital 69				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
79	<p>(69) The operation of hydrogen networks should be separated from the activities of energy production and supply in order to avoid the risk of conflicts of interest on behalf of the network operators. The structural separation of ownership of hydrogen networks and participation in energy production and supplies should guarantee the absence of such conflicts of interest. Member States should be able to rely on the alternative unbundling model of integrated hydrogen network operator until 2030 to provide a transitional period for existing vertically integrated hydrogen networks. Member States should also be able to offer the use of an independent hydrogen network operator to allow vertically integrated owners of hydrogen networks to retain ownership of their networks while ensuring the non-discriminatory operation of such networks after 2030.</p>	<p>(69) The operation of hydrogen networks should be separated from the activities of energy production and supply in order to avoid the risk of conflicts of interest on behalf of the network operators. The structural separation of ownership of hydrogen networks and participation in energy production and supplies should guarantee the absence of such conflicts of interest. <b>However,</b> Member States should be able to rely on the alternative unbundling model of integrated hydrogen network operator <b>■</b> . Member States should also be able to offer the use of an independent hydrogen network operator to allow vertically integrated owners of hydrogen networks to retain ownership of their networks while ensuring the non-discriminatory operation of such networks <b>■</b> .</p>	<p><del>(69) The operation of hydrogen networks should be separated from the activities of energy production and supply in order to avoid the risk of conflicts of interest on behalf of the network operators. The structural separation of ownership of hydrogen networks and participation in energy production and supplies should guarantee the absence of such conflicts of interest. Member States should be able to rely on the alternative unbundling model of integrated hydrogen network operator until 2030 to provide a transitional period for existing vertically integrated hydrogen networks. Member States should also be able to offer the use of an independent hydrogen network operator to allow vertically integrated owners of hydrogen networks to retain ownership of their networks while ensuring the non-discriminatory operation of such networks after 2030.</del></p>	
Recital 70				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
80	(70) In order to ensure transparency with regard to the costs and financing of regulated activities, activities of hydrogen network operation should be separated from other network operation activities for other energy carriers at least in relation to the legal form and accounts of network operators.	(70) In order to ensure transparency with regard to the costs and financing of regulated activities, activities of hydrogen network operation should be separated from other network operation activities for other energy carriers in relation to the accounts of network operators.	(70) In order to ensure transparency with regard to the costs and financing of regulated activities, activities of hydrogen network operation should be separated from other network operation activities for other energy carriers at least in relation to the legal form and accounts of network operators. <b>For the sake of legal unbundling of hydrogen network operators, the creation of a subsidiary or a separate legal entity within the group structure of the gas transmission or distribution system operator should be considered sufficient, without the need for a functional unbundling of governance or separation of management or staff. Transparency with regard to the costs and financing of regulated activities is thus achieved without losing the synergies and cost-advantages that operating several networks may be able to bring. In view of their remote location and limited market size, the requirement of legal unbundling should apply to Estonia, Latvia and Lithuania only as from 2031.</b>	
Recital 71				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
81	(71) Hydrogen networks should be subject to third-party access in order to ensure competition and a level playing field in the market for hydrogen supply. Regulated third-party access on the basis of regulated access tariffs should be the default rule in the long-term. In order to ensure the necessary flexibility for operators and to reduce administrative costs during the ramp-up phase of the hydrogen market, Member States should have the option to allow the use of negotiated third-party access until 2030.	(71) Hydrogen networks should be subject to third-party access in order to ensure competition and a level playing field in the market for hydrogen supply. Regulated third-party access on the basis of regulated access tariffs should be the default rule in the long-term. In order to ensure the necessary flexibility for operators and to reduce administrative costs during the ramp-up phase of the hydrogen market, Member States should have the option to allow the use of negotiated third-party access until 2030.	(71) Hydrogen networks should be subject to third-party access in order to ensure competition and a level playing field in the market for hydrogen supply. Regulated third-party access on the basis of regulated access tariffs should be the default rule in the long-term. In order to ensure the necessary flexibility for operators and to reduce administrative costs during the ramp-up phase of the hydrogen market, Member States should have the option to allow the use of negotiated third-party access until 2030.	
Recital 72				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
82	(72) The availability of large-scale underground hydrogen storage facilities is limited and distributed unevenly across Member States. In view of the potentially beneficial role for the functioning of hydrogen transport and markets, the access to such large-scale underground storages should be subject to regulated third party access in order to ensure a level playing field for market participants.	(72) The availability of large-scale underground hydrogen storage facilities is limited and distributed unevenly across Member States. In view of the potentially beneficial role for the functioning of hydrogen transport and markets, the access to such large-scale underground storages should be subject to regulated third party access in order to ensure a level playing field for market participants.	(72) <b>Only parts of the naturally occurring underground storages used for natural gas, such as salt caverns, aquifers and depleted gas fields can also be used for hydrogen.</b> The availability of <b>these</b> large-scale underground hydrogen storage facilities is limited and distributed unevenly across Member States. In view of the potentially beneficial role for the functioning of hydrogen transport and markets, the access to such large-scale underground storages should <b>ultimately</b> be subject to regulated third party access in order to ensure a level playing field for market participants. <b>However, in the ramp-up phase of a hydrogen markets, there should be flexibility for Member States to use also negotiated access regimes.</b>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
82a			<p><b>(72a) It is to be expected that hydrogen and hydrogen derivatives (like ammonia or liquid organic hydrogen carriers) will be imported into and transported within the Union. However, it is as yet uncertain by what means and in what form hydrogen will be transported whilst various means and forms are likely to coexist and compete with each other. This Directive provides a regulatory framework for infrastructure and markets for gaseous hydrogen. Consequently, only where other forms of hydrogen or derivatives and the facilities that handle them are relevant to ensure the emergence of a competitive market for gaseous hydrogen the role and the rules that may apply to them should be defined in this Directive.</b></p>	
Recital 73				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
83	(73) Terminals for the conversion of liquid hydrogen or liquid ammonia into gaseous hydrogen constitute a means of hydrogen import, but they compete with other means of hydrogen transport. While third-party access to such terminals should be ensured, Member States should have the choice of imposing a system of negotiated third-party access with a view to reducing administrative costs for operators and regulatory authorities.	(73) Terminals for the conversion of liquid hydrogen or liquid ammonia into gaseous hydrogen constitute a means of hydrogen import, but they compete with other means of hydrogen transport. While third-party access to such terminals should be ensured, Member States should have the choice of imposing a system of negotiated third-party access with a view to reducing administrative costs for operators and regulatory authorities. <b><i>The transport of imported hydrogen should not be limited to liquid hydrogen or liquid ammonia, but should be non-discriminatory and open to all hydrogen carriers that are technologically available, for example liquid organic hydrogen carrier (LOHC).</i></b>	(73) Terminals for the conversion of liquid hydrogen or liquid ammonia into gaseous hydrogen constitute a means of hydrogen import, but they compete with other means of hydrogen transport. While third-party access to such terminals should be ensured, Member States should have the choice of imposing a system of negotiated third-party access with a view to reducing administrative costs for operators and regulatory authorities. <b>The storage for liquid hydrogen or liquid ammonia associated with the terminal and to which access is granted should stand in proportion to the capacity of the terminal to convert and inject hydrogen into the network.</b>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
83a			<p><b>(73a) Member States may chose to phase-out gas in order to reach the climate-neutrality objective set out in Regulation (EU) 2021/1119 or for other technical reasons. It is important to provide a clear regulatory framework allowing for the refusal of access and the possible disconnection of network users to attain these policy objectives. For consistency and transparency reasons network users can only be refused access or disconnected if this concerns infrastructure that will be decommissioned in line with the network development plans and at distribution level it also needs to correspond to approved decommissioning. At the same time, adequate measures should to be undertaken to protect network users in such circumstances and it is also important that the refusal of access and disconnection decisions are subject to objective, transparent and non-discriminatory criteria developed by regulatory authorities.</b></p>	
Recital 74				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
84	(74) Existing vertically integrated hydrogen networks should be integrated into the regulatory framework following a transition period.	(74) Existing vertically integrated hydrogen networks should be integrated into the regulatory framework following a transition period.	(74) Existing vertically integrated hydrogen networks should be integrated into the regulatory framework following a transition period <b>eligible to request derogations from the requirements of this Directive provided that these networks are not expanded significantly and for as long as such derogation does not have a detrimental effect on competition or hydrogen infrastructure or market development.</b>	
Recital 75				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
85	(75) Localised hydrogen clusters should be an important building block of the European hydrogen economy. Such clusters could benefit from simplified regulatory requirements during the ramp-up phase of the hydrogen market.	(75) Localised hydrogen <b><i>uses will be occurring in localised clusters and steered towards priority users and applications and</i></b> should be an important building block of the European hydrogen <b><i>networks</i></b> economy. Such clusters could benefit from simplified regulatory requirements during the ramp-up phase of the hydrogen market.	(75) Localised hydrogen clusters should be an important building block of the European hydrogen economy. Such clusters could benefit from simplified regulatory requirements during the ramp-up phase of the hydrogen market, <b>in particular as regards the application of ownership unbundling to networks supplying such clusters. The corresponding simplified regulatory requirements should address also the need for regulatory flexibility of direct pipeline connections between hydrogen producers and individual customers as well as the supply of industrial hydrogen customers via repurposed or new-built local distribution grids.</b>	
Recital 76				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
86	(76) Pipeline interconnectors with third countries can serve as a means of transport for imports or exports of hydrogen. The operating rules for such hydrogen interconnectors with third countries and rules on the certification of renewable and low-carbon hydrogen, should be enshrined in an intergovernmental agreement to ensure a coherent regulatory framework and its consistent application for the entire infrastructure.	(76) Pipeline interconnectors with third countries can serve as a means of transport for imports or exports of hydrogen. The operating rules for such hydrogen interconnectors with third countries and rules on the certification of renewable and low-carbon hydrogen, should be enshrined in an intergovernmental agreement to ensure a coherent regulatory framework and its consistent application for the entire infrastructure.	(76) Pipeline interconnectors with third countries can serve as a means of transport for imports or exports of hydrogen. The operating rules for such <del>operating rules for</del> <b>applicability of this Directive to hydrogen interconnectors with pipeline lines to and from</b> third countries and rules on the certification of renewable and low-carbon hydrogen <del>should be confined to the territory of the Member States. The operating rules for hydrogen interconnectors with third countries,</del> should be enshrined in an <b>international agreement between the Union and the connected third country, or third countries. Such international agreement should not be considered necessary where the Member State connected or intending to be connected by the hydrogen interconnector negotiates and concludes an</b> intergovernmental agreement <b>with the third country or third countries concerned in accordance with the empowerment procedure provided for in this Directive,</b> to ensure a coherent regulatory framework and its consistent application for the entire infrastructure.	
Recital 77				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
87	(77) To ensure the efficient operation of the European hydrogen networks, hydrogen network operators should be responsible for the operation, maintenance and development of the hydrogen transport network in close cooperation with other hydrogen network operators as well as with other system operators to which their networks are or can be connected with, including to facilitate energy system integration.	(77) To ensure the efficient operation of the European hydrogen networks, hydrogen network operators should be responsible for the operation, maintenance and development of the <b>■</b> network in close cooperation with other hydrogen network operators as well as with other system operators to which their networks are or can be connected with, including to facilitate energy system integration.	(77) To ensure the efficient operation of the European hydrogen networks, hydrogen network operators should be responsible for the operation, maintenance and development of the hydrogen transport network in close cooperation with other hydrogen network operators as well as with other system operators to which their networks are or can be connected with, including to facilitate energy system integration.	
Recital 78				
88	(78) Hydrogen network operators should be tasked with building sufficient cross-border capacity for the transportation of hydrogen accommodating all economically reasonable and technically feasible demands for such capacity, thereby enabling market integration.	(78) Hydrogen network operators should be tasked with building sufficient cross-border capacity <b><i>identified in line with the joint network development plan</i></b> for the transportation of hydrogen accommodating all economically reasonable and technically feasible demands for such capacity, thereby enabling market integration.	(78) <b>One or a limited number of</b> hydrogen network operators should be tasked <b>by the regulatory authority of the Member States</b> with building sufficient cross-border capacity for the <del>transportation</del> <b>transport</b> of hydrogen accommodating all economically reasonable and technically feasible demands for such capacity, thereby enabling market integration.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
88a			<p><b>(78a) In line with the Union’s Hydrogen Strategy focus should be on the transport and use of hydrogen in its pure form. In this sense, the future hydrogen system should transport, store and handle hydrogen of a high grade of purity taking into account hydrogen end-users’ quality requirements, as opposed to hydrogen blended into the natural gas system. Future applicable hydrogen quality standards for the hydrogen system will further define the commonly acceptable hydrogen purity levels. A bandwidth of acceptable hydrogen purity levels and other relevant hydrogen quality parameters (e.g. contaminants) should be defined in a technical standardisation process by European standardisation bodies.</b></p>	
Recital 79				

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
90	(80) Where system operators for natural gas or hydrogen network operators refuse requests for access or connection due to a lack of capacity, should refusals should be duly substantiated, and operators should be required to enhance their system in order to enable the requested connections or access where it is economic to do so.	(80) Where system operators for natural gas or hydrogen network operators refuse requests for access or connection due to a lack of capacity <b>or a low grade of purity, or impose disconnections, such refusals or disconnections</b> should be duly substantiated <b>and should be in line with the capacities identified in the network development plans.</b> Operators should be required to enhance their system in order to enable the requested connections or access where it is economic to do so.	(80) Where system operators for natural gas or hydrogen network operators refuse requests for access or connection due to a lack of capacity, should refusals should be duly substantiated, and operators should be required to enhance their system in order to enable the requested connections or access where it is economic to do so.	
Recital 81				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
91	(81) Obstacles to the completion of the internal market in natural gas which result from the non-application of Union market rules to gas transmission lines to and from third countries should also be addressed. It is necessary to ensure that the rules applicable to gas transmission lines connecting two or more Member States are also applicable, within the Union, to gas transmission lines to and from third countries. This should establish consistency of the legal framework within the Union while avoiding distortion of competition in the internal energy market in the Union and negative impacts on the security of supply. It should also enhance transparency and provide legal certainty to market participants, in particular investors in gas infrastructure and system users, as regards the applicable legal regime.	(81) Obstacles to the completion of the internal market in natural gas which result from the non-application of Union market rules to gas transmission lines to and from third countries should also be <i>addressed</i> . It is necessary to ensure that the rules applicable to gas transmission lines connecting two or more Member States are also applicable, within the Union, to gas transmission lines to and from third countries. This should establish consistency of the legal framework within the Union while avoiding distortion of competition in the internal energy market in the Union and negative impacts on the security of supply. It should also enhance transparency and provide legal certainty to market participants, in particular investors in gas infrastructure and system users, as regards the applicable legal regime.	(81) Obstacles to the completion of the internal market in natural gas which result from the non-application of Union market rules to gas transmission lines to and from third countries should also be addressed. It is necessary to ensure that the rules applicable to gas transmission lines connecting two or more Member States are also applicable, within the Union, to gas transmission lines to and from third countries. This should establish consistency of the legal framework within the Union while avoiding distortion of competition in the internal energy market in the Union and negative impacts on the security of supply. It should also enhance transparency and provide legal certainty to market participants, in particular investors in gas infrastructure and system users, as regards the applicable legal regime.	
Recital 82				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
92	<p>(82) Member States and the Contracting Parties to the Treaty establishing the Energy Community<sup>1</sup> should cooperate closely on all matters concerning the development of an integrated gas market and its decarbonisation and should take no measures that endanger the further integration of gas markets or the security of supply of Member States and Contracting Parties. This could include cooperation on storage capacities and invitation of experts to relevant regional gas risk groups.</p> <p><sup>1</sup>. OJ L 198, 20.7.2006, p. 18.</p>	<p>(82) Member States and the Contracting Parties to the Treaty establishing the Energy Community<sup>17</sup> should cooperate closely on all matters concerning the development of an integrated gas market and its decarbonisation and should take no measures that endanger the further integration of gas markets or the security of supply of Member States and Contracting Parties. This could include cooperation on storage capacities and invitation of experts to relevant regional gas risk groups.</p> <p><sup>17</sup>. <i>OJ L 198, 20.7.2006, p. 18.</i></p>	<p>(82) Member States and the Contracting Parties to the Treaty establishing the Energy Community<sup>1</sup> should cooperate closely on all matters concerning the development of an integrated gas market and its decarbonisation and should take no measures that endanger the further integration of gas markets or the security of supply of Member States and Contracting Parties. This could include cooperation on storage capacities and invitation of experts to relevant regional gas risk groups.</p> <p><sup>1</sup>. [1] OJ L 198, 20.7.2006, p. 18.</p>	
Recital 83				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
93	(83) Pipelines connecting a third-country oil or gas production project to a processing plant or to a final coastal landing terminal within a Member State should be considered to be upstream pipeline networks. Pipelines connecting an oil or gas production project in a Member State to a processing plant or to a final coastal landing terminal within a third country should not be considered to be upstream pipeline networks for the purpose of this Directive, since such pipelines are unlikely to have a significant impact on the internal energy market.	(83) Pipelines connecting a third-country oil or gas production project to a processing plant or to a final coastal landing terminal within a Member State should be considered to be upstream pipeline networks. Pipelines connecting an oil or gas production project in a Member State to a processing plant or to a final coastal landing terminal within a third country should not be considered to be upstream pipeline networks for the purpose of this Directive, since such pipelines are unlikely to have a significant impact on the internal energy market.	(83) Pipelines connecting a third-country oil or gas production project to a processing plant or to a final coastal landing terminal within a Member State should be considered to be upstream pipeline networks. Pipelines connecting an oil or gas production project in a Member State to a processing plant or to a final coastal landing terminal within a third country should not be considered to be upstream pipeline networks for the purpose of this Directive, since such pipelines are unlikely to have a significant impact on the internal energy market.	
Recital 84				
94	(84) Transmission system operators should be free to conclude technical agreements with transmission system operators or other entities in third countries on issues concerning the operation and interconnection of transmission systems, provided that the content of such agreements is compatible with Union law.	(84) Transmission system operators should be free to conclude technical agreements with transmission system operators or other entities in third countries on issues concerning the operation and interconnection of transmission systems, provided that the content of such agreements is compatible with Union law.	(84) Transmission system operators should be free to conclude technical agreements with transmission system operators or other entities in third countries on issues concerning the operation and interconnection of transmission systems, provided that the content of such agreements is compatible with Union law.	
Recital 85				

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
97	(87) The applicability of this Directive to gas transmission lines to and from third countries should be confined to the territory of the Member States. As regards offshore gas transmission lines, this Directive should be applicable in the territorial sea of the Member State where the first interconnection point with the Member States' network is located.	(87) The applicability of this Directive to gas transmission lines to and from third countries should be confined to the territory of the Member States. As regards offshore gas transmission lines, this Directive should be applicable in the territorial sea of the Member State where the first interconnection point with the Member States' network is located.	(87) The applicability of this Directive to gas transmission lines to and from third countries should be confined to the territory of the Member States. As regards offshore gas transmission lines, this Directive should be applicable in the territorial sea of the Member State where the first interconnection point with the Member States' network is located.	
Recital 88				
98	(88) It should be possible for existing agreements concluded between a Member State and a third country on the operation of transmission lines to remain in force, in accordance with this Directive.	(88) It should be possible for existing agreements concluded between a Member State and a third country on the operation of transmission lines to remain in force, in accordance with this Directive.	(88) It should be possible for existing agreements concluded between a Member State and a third country on the operation of transmission lines to remain in force, in accordance with this Directive.	
Recital 89				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
99	(89) With regard to agreements or parts of agreements with third countries which may affect common rules of the Union, a coherent and transparent procedure should be established by which to authorise a Member State, upon its request, to amend, extend, adapt, renew or conclude an agreement with a third country on the operation of a transmission line or an upstream pipeline network between the Member State and a third country. The procedure should not delay the implementation of this Directive, should be without prejudice to the allocation of competence between the Union and the Member States, and should apply to existing and new agreements.	(89) With regard to agreements or parts of agreements with third countries which may affect common rules of the Union, a coherent and transparent procedure should be established by which to authorise a Member State, upon its request, to amend, extend, adapt, renew or conclude an agreement with a third country on the operation of a transmission line or an upstream pipeline network between the Member State and a third country. The procedure should not delay the implementation of this Directive, should be without prejudice to the allocation of competence between the Union and the Member States, and should apply to existing and new agreements.	(89) With regard to agreements or parts of agreements with third countries which may affect common rules of the Union, a coherent and transparent procedure should be established by which to authorise a Member State, upon its request, to amend, extend, adapt, renew or conclude an agreement with a third country on the operation of a transmission line or an upstream pipeline network between the Member State and a third country. The procedure should not delay the implementation of this Directive, should be without prejudice to the allocation of competence between the Union and the Member States, and should apply to existing and new agreements.	
Recital 90				
100	(90) Where it is apparent that the subject matter of an agreement falls partly within the competence of the Union and partly within that of a Member State, it is essential to ensure close cooperation between that Member State and the Union institutions.	(90) Where it is apparent that the subject matter of an agreement falls partly within the competence of the Union and partly within that of a Member State, it is essential to ensure close cooperation between that Member State and the Union institutions.	(90) Where it is apparent that the subject matter of an agreement falls partly within the competence of the Union and partly within that of a Member State, it is essential to ensure close cooperation between that Member State and the Union institutions.	
Recital 91				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
101	<p>(91) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission to adopt decisions authorising or refusing to authorise a Member State to amend, extend, adapt, renew or conclude an agreement with a third country. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>1</sup>.</p> <p><sup>1</sup> 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>(91) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission to adopt decisions authorising or refusing to authorise a Member State to amend, extend, adapt, renew or conclude an agreement with a third country. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>18</sup>.</p> <p><b><i>18. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).</i></b></p>	<p>(91) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission to adopt decisions authorising or refusing to authorise a Member State to amend, extend, adapt, renew or conclude an agreement with a third country. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>1</sup>.</p> <p><sup>1</sup> [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 92				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
102	<p>(92) The security of energy supply is an essential element of public security and is therefore inherently connected to the efficient functioning of the internal market in gas and the integration of the isolated gas markets of Member States. Gas can reach the citizens of the Union only through the network. Functioning open gas markets and, in particular, networks and other assets associated with gas supply are essential for public security, for the competitiveness of the economy and for the well-being of the citizens of the Union. Persons from third countries should therefore only be allowed to control a transmission system or a transmission system operator if they comply with the requirements of effective separation that apply inside the Union. Without prejudice to the international obligations of the Union, the Union considers that the gas transmission system sector is of high importance to the Union and therefore additional safeguards are necessary regarding the preservation of the security of supply of energy to the Union to avoid any threats to public order and public security in the Union and the welfare of the citizens of the Union. The security of supply of energy to the Union requires, in particular, an assessment of the independence of network operation, the level of the Union's and individual Member</p>	<p>(92) The security of energy supply is an essential element of public security and is therefore inherently connected to the efficient functioning of the internal market in gas and the integration of the isolated gas markets of Member States. Gas can reach the citizens of the Union only through the network. Functioning open gas markets <b><i>under an adequate control of ACER and the regulatory authorities</i></b> and, in particular, networks and other assets associated with gas supply are essential for public security, for the competitiveness of the economy and for the well-being of the citizens of the Union. Persons from third countries should therefore only be allowed to control a transmission system or a transmission system operator if they comply with the requirements of effective separation that apply inside the Union. Without prejudice to the international obligations of the Union, the Union considers that the gas transmission system sector is of high importance to the Union and therefore additional safeguards are necessary regarding the preservation of the security of supply of energy to the Union to avoid any threats to public order and public security in the Union and the welfare of the citizens of the Union. The security of supply of energy to the Union requires, in particular, an assessment of the independence of</p>	<p>(92) The security of energy supply is an essential element of public security and is therefore inherently connected to the efficient functioning of the internal market in gas and the integration of the isolated gas markets of Member States. Gas can reach the citizens of the Union only through the network. Functioning open gas markets and, in particular, networks and other assets associated with gas supply are essential for public security, for the competitiveness of the economy and for the well-being of the citizens of the Union. Persons from third countries should therefore only be allowed to control a transmission system or a transmission system operator if they comply with the requirements of effective separation that apply inside the Union. Without prejudice to the international obligations of the Union, the Union considers that the gas transmission system sector is of high importance to the Union and therefore additional safeguards are necessary regarding the preservation of the security of supply of energy to the Union to avoid any threats to public order and public security in the Union and the welfare of the citizens of the Union. The security of supply of energy to the Union requires, in particular, an assessment of the independence of</p>	

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

2021/0425(COD) 25-05-2023 at 21h02 101/281

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 93				
103	(93) Further measures should be taken in order to ensure transparent and non-discriminatory tariffs for access to transport. Those tariffs should be applicable to all users on a non-discriminatory basis. Where a storage facility, linepack or ancillary service operates in a sufficiently competitive market, access could be allowed on the basis of transparent and non-discriminatory market-based mechanisms.	(93) Further measures should be taken in order to ensure transparent and non-discriminatory tariffs for access to transport. Those tariffs should be applicable to all users on a non-discriminatory basis. Where a storage facility, linepack or ancillary service operates in a sufficiently competitive market, access could be allowed on the basis of transparent and non-discriminatory market-based mechanisms.	(93) Further measures should be taken in order to ensure transparent and non-discriminatory tariffs for access to transport. Those tariffs should be applicable to all users on a non-discriminatory basis. Where a storage facility, linepack or ancillary service operates in a sufficiently competitive market, access could be allowed on the basis of transparent and non-discriminatory market-based mechanisms.	
Recital 94				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
104	<p>(94) It is necessary to ensure the independence of storage system operators in order to improve third-party access to storage facilities that are technically or economically necessary for providing efficient access to the system for the supply of customers. It is therefore appropriate that storage facilities are operated through legally separate entities that have effective decision-making rights with respect to assets necessary to maintain, operate and develop storage facilities. It is also necessary to increase transparency in respect of the storage capacity that is offered to third parties, by obliging Member States to define and publish a non-discriminatory, clear framework that determines the appropriate regulatory regime applicable to storage facilities. That obligation should not require a new decision on access regimes but should improve the transparency regarding the access regime to storage. Confidentiality requirements for commercially sensitive information are particularly important where data of a strategic nature are concerned or where there is only a single user of a storage facility.</p>	<p>(94) It is necessary to ensure the independence of storage system operators in order to improve third-party access to storage facilities that are technically or economically necessary for providing efficient access to the system for the supply of customers. It is therefore appropriate that storage facilities are operated through legally separate entities that have effective decision-making rights with respect to assets necessary to maintain, operate and develop storage facilities. It is also necessary to increase transparency in respect of the storage capacity that is offered to third parties, by obliging Member States to define and publish a non-discriminatory, clear framework that determines the appropriate regulatory regime applicable to storage facilities. That obligation should not require a new decision on access regimes but should improve the transparency regarding the access regime to storage. Confidentiality requirements for commercially sensitive information are particularly important where data of a strategic nature are concerned or where there is only a single user of a storage facility.</p>	<p>(94) It is necessary to ensure the independence of storage system operators in order to improve third-party access to storage facilities that are technically or economically necessary for providing efficient access to the system for the supply of customers. It is therefore appropriate that storage facilities are operated through legally separate entities that have effective decision-making rights with respect to assets necessary to maintain, operate and develop storage facilities. It is also necessary to increase transparency in respect of the storage capacity that is offered to third parties, by obliging Member States to define and publish a non-discriminatory, clear framework that determines the appropriate regulatory regime applicable to storage facilities. That obligation should not require a new decision on access regimes but should improve the transparency regarding the access regime to storage. Confidentiality requirements for commercially sensitive information are particularly important where data of a strategic nature are concerned or where there is only a single user of a storage facility.</p>	
Recital 95				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
105	<p>(95) Non-discriminatory access to the distribution network determines downstream access to customers at retail level. The scope for discrimination as regards third party access and investment, however, is less significant at distribution level than at transmission level where congestion and the influence of production interests are generally greater than at distribution level. To lay down a level playing field at retail level, the activities of distribution system operators should be monitored so that they are prevented from taking advantage of their vertical integration as regards their competitive position on the market, in particular in relation to household and small non-household customers..</p>	<p>(95) Non-discriminatory access to the distribution network determines downstream access to customers at retail level. The scope for discrimination as regards third party access and investment, however, is less significant at distribution level than at transmission level where congestion and the influence of production interests are generally greater than at distribution level. To lay down a level playing field at retail level, the activities of distribution system operators should be monitored so that they are prevented from taking advantage of their vertical integration as regards their competitive position on the market, in particular in relation to household and small non-household customers. █</p>	<p>(95) Non-discriminatory access to the distribution network determines downstream access to customers at retail level. The scope for discrimination as regards third party access and investment, however, is less significant at distribution level than at transmission level where congestion and the influence of production interests are generally greater than at distribution level. To lay down a level playing field at retail level, the activities of distribution system operators should be monitored so that they are prevented from taking advantage of their vertical integration as regards their competitive position on the market, in particular in relation to household and small non-household customers.-</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
105a		<i>(95a) In order to improve competition in the market for the operation of gas distribution systems, Member States should designate distribution system operators in accordance with a transparent procedure and should limit the length of such designations. This would ensure that distribution system operators are not designated in perpetuity and that the balance of power in concession negotiations with the relevant authorities is improved.</i>		
Recital 96				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
106	(96) Member States should take concrete measures to assist the wider use of biogas and gas from biomass, the producers of which should be granted non-discriminatory access to the gas system, provided that such access is compatible with the relevant technical rules and safety standards on an ongoing basis.	(96) Member States should take concrete measures to assist the wider use of <i>sustainable</i> biogas and gas from biomass, <i>in particular at local level, and steer it into priority applications such as industry feedstocks, district heating backup and high temperature uses in industry. Member States should also ensure that biomethane grid integration is based on national potential assessments and the applicable sustainability criteria. The producers</i> should be granted non-discriminatory access to the gas system, provided that such access is compatible with the relevant technical rules and safety standards on an ongoing basis.	(96) Member States should take concrete measures to assist the wider use of <del>biogas and gas from biomass</del> <b>biomethane, or other types of gases, that can technically and safely be injected into, and transported through, the natural gas system</b> , the producers of which should be granted non-discriminatory access to the gas system, provided that such access is compatible with the relevant technical rules and safety standards on an ongoing basis <b>and unless otherwise provided by this Directive.</b>	
Recital 97				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
107	<p>(97) Producers of renewable and low-carbon gases are often connected to the distribution grid. To facilitate their uptake and market integration, it is essential that they obtain unhindered access to the wholesale market and the relevant virtual trading points. Participation in the wholesale market is determined by the way in which the entry-exit systems are defined. In several Member States, producers connected to the distribution grid are not part of the entry-exit system. Therefore, the access of renewable and low-carbon gases to the wholesale market should be facilitated by providing a definition of an entry-exit system and ultimately ensuring that production facilities connected to the distribution system are part of it. In addition, Regulation [the recast Gas regulation as proposed in COM(2021)xxx] provides that distribution system operators and transmission system operates are to work together to enable reverse flows from the distribution to the transmission network or alternative means to facilitate the market integration of renewable and low carbon gases.</p>	<p>(97) Producers of renewable <i>gas</i> and low-carbon <i>gas</i> are often connected to the distribution grid. To facilitate their uptake and market integration, it is essential that they obtain unhindered access to the wholesale market and the relevant virtual trading points. Participation in the wholesale market is determined by the way in which the entry-exit systems are defined. In several Member States, producers connected to the distribution grid are not part of the entry-exit system. Therefore, the access of renewable <i>gas</i> and low-carbon <i>gas</i> to the wholesale market should be facilitated by providing a definition of an entry-exit system and ultimately ensuring that production facilities connected to the distribution system <i>can be</i> part of it. In addition, Regulation [the recast Gas regulation as proposed in COM(2021)xxx] provides that distribution system operators and transmission system operates are to work together to enable reverse flows from the distribution to the transmission network or alternative means to facilitate the market integration of renewable <i>gas and low-carbon gas</i>.</p>	<p>(97) Producers of renewable and low-carbon gases are often connected to the distribution grid. To facilitate their uptake and market integration, it is essential that they obtain unhindered access to the wholesale market and the relevant virtual trading points. Participation in the wholesale market is determined by the way in which the entry-exit systems are defined. In several Member States, producers connected to the distribution grid are not part of the entry-exit system. Therefore, the access of renewable and low-carbon gases to the wholesale market should be facilitated by providing a definition of an entry-exit system <b>that allows for the inclusion of distribution systems</b> and ultimately ensuring that <b>all</b> production facilities <del>connected</del><b>have an access</b> to the <del>distribution system are part of</del> <b>market irrespective of whether they are connected to the distribution or transmission system</b> . In addition, Regulation [the recast Gas regulation as proposed in COM(2021)xxx <b>804</b>] provides that distribution system operators and transmission system operates are to work together to enable reverse flows from the distribution to the transmission network or alternative means to facilitate the market integration of renewable and low carbon gases.</p>	

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

2021/0425(COD) 25-05-2023 at 21h02 107/281

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 98				
108	(98) To avoid imposing a disproportionate financial and administrative burden on small distribution system operators, Member States should be able, where necessary, to exempt the undertakings concerned from the legal unbundling requirements.	(98) To avoid imposing a disproportionate financial and administrative burden on small distribution system operators, Member States should be able, where necessary, to exempt the undertakings concerned from the legal unbundling requirements.	(98) To avoid imposing a disproportionate financial and administrative burden on small distribution system operators, Member States should be able, where necessary, to exempt the undertakings concerned from the legal unbundling requirements.	
Recital 99				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
109	(99) Where a closed distribution system is used to ensure the optimal efficiency of an integrated energy supply requiring specific operational standards, or a closed distribution system is maintained primarily for the use of the owner of the system, it should be possible to exempt the distribution system operator from obligations which would constitute an unnecessary administrative burden because of the particular nature of the relationship between the distribution system operator and the users of the system. Industrial, commercial or shared services sites such as train station buildings, airports, hospitals, large camping sites with integrated facilities or chemical industry sites could include closed distribution systems because of the specialised nature of their operations.	(99) Where a closed distribution system is used to ensure the optimal efficiency of an integrated energy supply requiring specific operational standards, or a closed distribution system is maintained primarily for the use of the owner of the system, it should be possible to exempt the distribution system operator from obligations which would constitute an unnecessary administrative burden because of the particular nature of the relationship between the distribution system operator and the users of the system. Industrial, commercial or shared services sites such as train station buildings, airports, hospitals, large camping sites with integrated facilities or chemical industry sites could include closed distribution systems because of the specialised nature of their operations.	(99) Where a closed distribution system is used to ensure the optimal efficiency of an integrated energy supply requiring specific operational standards, or a closed distribution system is maintained primarily for the use of the owner of the system, it should be possible to exempt the distribution system operator from obligations which would constitute an unnecessary administrative burden because of the particular nature of the relationship between the distribution system operator and the users of the system. Industrial, commercial or shared services sites such as train station buildings, airports, hospitals, large camping sites with integrated facilities or chemical industry sites could include closed distribution systems because of the specialised nature of their operations.	
Recital 100				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
110	<p>(100) With the integration of growing volumes of renewable and low-carbon gases in the natural gas system, the quality of gases transported and consumed in Europe will change. To ensure the efficient operation of the natural gas system, transmission system operators should be responsible for gas quality management in their facilities. Where the injection of renewable and low-carbon gases takes place at distribution level and where necessary to manage their impact on gas quality, regulatory authorities can task distribution system operators with ensuring the efficient gas quality management in their facilities. When undertaking gas quality management tasks, transmission and distribution system operators should comply with applicable gas quality standards.</p>	<p>(100) With the integration of growing volumes of renewable <b>gas</b> and low-carbon <b>gas</b> in the natural gas system, the quality of <b>gas</b> transported and consumed in Europe will change. To ensure the efficient operation of the natural gas system, transmission system operators should be responsible for gas quality management in their facilities. Where the injection of renewable <b>gas</b> and low-carbon <b>gas</b> takes place at distribution level and where necessary to manage their impact on gas quality, regulatory authorities can task distribution system operators with ensuring the efficient gas quality management in their facilities. When undertaking gas quality management tasks, transmission and distribution system operators should comply with applicable gas quality standards.</p>	<p>(100) With the integration of growing volumes of renewable and low-carbon gases in the natural gas system, the quality of gases transported and consumed in Europe will change. To ensure the efficient operation of the natural gas system, transmission system operators should be responsible for gas quality management in their facilities. Where the injection of renewable and low-carbon gases takes place at distribution level and where necessary to manage their impact on gas quality, regulatory authorities can task distribution system operators with ensuring the efficient gas quality management in their facilities. When undertaking gas quality management tasks, transmission and distribution system operators should comply with applicable gas quality standards.</p>	
Recital 101				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
111	(101) Energy regulators need to be able to take decisions in relation to all relevant regulatory issues if the internal market in natural gas is to function properly, and to be fully independent from any other public or private interests. The provisions relating to autonomy in the implementation of the allocated budget of the regulatory authority should be implemented within the framework defined by national budgetary law and rules. While contributing to the independence of the regulatory authority from any political or economic interest through an appropriate rotation scheme, it should be possible for Member States to take due account of the availability of human resources and of the size of the board.	(101) Energy regulators need to be able to take decisions in relation to all relevant regulatory issues if the internal market in natural gas is to function properly, and to be fully independent from any other <i>political</i> , public or private interests. The provisions relating to autonomy in the implementation of the allocated budget of the regulatory authority should be implemented within the framework defined by national budgetary law and rules. While contributing to the independence of the regulatory authority from any political or economic interest through an appropriate rotation scheme, it should be possible for Member States to take due account of the availability of human resources and of the size of the board.	(101) Energy regulators need to be able to take decisions in relation to all relevant regulatory issues if the internal market in natural gas is to function properly, and to be fully independent from any other public or private interests. The provisions relating to autonomy in the implementation of the allocated budget of the regulatory authority should be implemented within the framework defined by national budgetary law and rules. While contributing to the independence of the regulatory authority from any political or economic interest through an appropriate rotation scheme, it should be possible for Member States to take due account of the availability of human resources and of the size of the board.	
Recital 102				

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
113	(103) Regulatory authorities should be able to fix or approve tariffs, or the methodologies underlying the calculation of the tariffs, on the basis of a proposal by the transmission system operator or distribution system operator(s) or liquefied natural gas (LNG) system operator, or on the basis of a proposal agreed between those operators and the users of the network. In carrying out those tasks, regulatory authorities should ensure that transmission and distribution tariffs are non-discriminatory and cost-reflective, and should take account of the long-term, marginal, avoided network costs from demand-side management measures.	(103) Regulatory authorities should be able to fix or approve tariffs, or the methodologies underlying the calculation of the tariffs, on the basis of a proposal by the transmission system operator or distribution system operator(s) or liquefied natural gas (LNG) system operator, or on the basis of a proposal agreed between those operators and the users of the network. In carrying out those tasks, regulatory authorities should ensure that transmission and distribution tariffs are non-discriminatory and cost-reflective, and should take account of the long-term, marginal, avoided network costs from demand-side management measures.	(103) Regulatory authorities should be able to fix or approve tariffs, or the methodologies underlying the calculation of the tariffs, on the basis of a proposal by the transmission system operator or distribution system operator(s) or liquefied natural gas (LNG) system operator, or on the basis of a proposal agreed between those operators and the users of the network. In carrying out those tasks, regulatory authorities should ensure that transmission and distribution tariffs are non-discriminatory and cost-reflective, and should take account of the long-term, marginal, avoided network costs from demand-side management measures.	
Recital 104				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
114	<p>(104) Regulatory authorities should promote, in close cooperation with the Agency for the Cooperation of Energy Regulators (ACER), established by Regulation (EC) No 942/2019 of the European Parliament and of the Council<sup>1</sup>, an open, competitive, secure and environmentally sustainable internal market in hydrogen with unhindered cross-border flows. Regulatory authorities need to be able to take decisions in relation to all relevant regulatory issues if the internal market in hydrogen is to function properly.</p> <p><sup>1</sup>. See page 1 of this Official Journal.</p>	<p>(104) Regulatory authorities should promote, in close cooperation with the Agency for the Cooperation of Energy Regulators (ACER), established by Regulation (EC) No 942/2019 of the European Parliament and of the Council<sup>19</sup>, an open, competitive, secure and environmentally sustainable internal market in hydrogen with unhindered cross-border flows. Regulatory authorities need to be able to take decisions in relation to all relevant regulatory issues if the internal market in hydrogen is to function properly.</p> <p><sup>19</sup>. See page 1 of this Official Journal.</p>	<p>(104) Regulatory authorities should promote, in close cooperation with the Agency for the Cooperation of Energy Regulators (ACER), established by Regulation- (ECEU) <del>No 942/2019</del> <b>2019/942</b> of the European Parliament and of the Council<sup>1</sup>, an open, competitive, secure and environmentally sustainable internal market in hydrogen with unhindered cross-border flows. Regulatory authorities need to be able to take decisions in relation to all relevant regulatory issues if the internal market in hydrogen is to function properly.</p> <p><sup>1</sup>. [1] <b>Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators (OJ L 158, 14.6.2019, p. 22).</b> See page 1 of this Official Journal.</p>	
Recital 105				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
115	<p>(105) Energy regulators should have the power to issue binding decisions in relation to natural gas or hydrogen undertakings and to impose effective, proportionate and dissuasive penalties on natural gas or hydrogen undertakings which fail to comply with their obligations or to propose that a competent court impose such penalties on them. Energy regulators should also be granted the power to decide, irrespective of the application of competition rules, on appropriate measures ensuring customer benefits through the promotion of effective competition necessary for the proper functioning of the internal market in natural gas and in hydrogen. The establishment of gas-release programmes is one of the possible measures that can be used to promote effective competition and ensure the proper functioning of the market.</p>	<p>(105) Energy regulators should have the power to issue binding decisions in relation to natural gas or hydrogen undertakings and to impose effective, proportionate and dissuasive penalties on natural gas or hydrogen undertakings which fail to comply with their obligations or to propose that a competent court impose such penalties on them. Energy regulators should also be granted the power to decide, irrespective of the application of competition rules, on appropriate measures ensuring customer benefits through the promotion of effective competition necessary for the proper functioning of the internal market in natural gas and in <b>hydrogen</b>. The establishment of gas-release programmes is one of the possible measures that can be used to promote effective competition and ensure the proper functioning of the market.</p>	<p>(105) Energy regulators should have the power to issue binding decisions in relation to natural gas or hydrogen undertakings and to impose effective, proportionate and dissuasive penalties on natural gas or hydrogen undertakings which fail to comply with their obligations or to propose that a competent court impose such penalties on them. Energy regulators should also be granted the power to decide, irrespective of the application of competition rules, on appropriate measures ensuring customer benefits through the promotion of effective competition necessary for the proper functioning of the internal market in natural gas and in hydrogen. The establishment of gas-release programmes is one of the possible measures that can be used to promote effective competition and ensure the proper functioning of the market.</p>	
Recital 106				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
116	(106) Energy regulators should also be granted the powers to contribute to ensuring high standards of public service in compliance with market opening, to the protection of vulnerable customers, and to the full effectiveness of consumer protection measures. Those provisions should be without prejudice to both the Commission's powers concerning the application of competition rules including the examination of mergers with a Union dimension, and the rules on the internal market such as the free movement of capital. The independent body to which a party affected by the decision of a regulatory authority has a right to appeal could be a court or other tribunal empowered to conduct a judicial review.	(106) Energy regulators should also be granted the powers to contribute to ensuring high standards of public service in compliance with market opening, to the protection of vulnerable customers, and to the full effectiveness of consumer protection measures. Those provisions should be without prejudice to both the Commission's powers concerning the application of competition rules including the examination of mergers with a Union dimension, and the rules on the internal market such as the free movement of capital. The independent body to which a party affected by the decision of a regulatory authority has a right to appeal could be a court or other tribunal empowered to conduct a judicial review.	(106) Energy regulators should also be granted the powers to contribute to ensuring high standards of public service in compliance with market opening, to the protection of vulnerable customers, and to the full effectiveness of consumer protection measures. Those provisions should be without prejudice to both the Commission's powers concerning the application of competition rules including the examination of mergers with a Union dimension, and the rules on the internal market such as the free movement of capital. The independent body to which a party affected by the decision of a regulatory authority has a right to appeal could be a court or other tribunal empowered to conduct a judicial review.	
Recital 107				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
117	(107) Any harmonisation of the powers of regulatory authorities should include the powers to provide incentives to undertakings and to impose effective, proportionate and dissuasive penalties on undertakings or to propose that a competent court impose such penalties. Moreover, regulatory authorities should have the power to request relevant information from undertakings, make appropriate and sufficient investigations and settle disputes.	(107) Any harmonisation of the powers of regulatory authorities should include the powers to provide incentives to undertakings and to impose effective, proportionate and dissuasive penalties on undertakings or to propose that a competent court impose such penalties. Moreover, regulatory authorities should have the power to request relevant information from undertakings, make appropriate and sufficient investigations and settle disputes.	(107) Any harmonisation of the powers of regulatory authorities should include the powers to provide incentives to undertakings and to impose effective, proportionate and dissuasive penalties on undertakings or to propose that a competent court impose such penalties. Moreover, regulatory authorities should have the power to request relevant information from undertakings, make appropriate and sufficient investigations and settle disputes.	
Recital 108				
118	(108) The regulatory authorities and ACER should provide information on the hydrogen market to ensure transparency, including aspects such as supply and demand, transport infrastructure, quality of service, cross-border trade, investments, consumer prices, market liquidity.	(108) The regulatory authorities and ACER should provide information on the hydrogen market to ensure transparency, including aspects such as supply and demand, transport infrastructure, quality of service, <i>sources</i> , cross-border trade, investments, <i>wholesale and</i> consumer prices, market liquidity.	(108) The regulatory authorities and ACER should provide information on the hydrogen market to ensure transparency, including aspects such as supply and demand, transport infrastructure, quality of service, cross-border trade, investments, consumer prices, market liquidity.	
Recital 109				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
119	<p>(109) Transmission system operators play an important role in ensuring cost effective investments in gas networks. For an optimised planning across energy carriers and to bridge the gap between the diverse national and EU-wide network planning approaches, additional requirements for consistent planning are introduced. The network planning should also take account of the increased interlinkages between natural gas and electricity, as well as hydrogen.</p>	<p>(109) Transmission system operators <b>and hydrogen transmission network operators</b> play an important role in ensuring cost effective investments in gas networks <b>that contribute to the achievement of the Union's climate and energy targets</b>. For an optimised planning across energy carriers and to bridge the gap between the diverse national and <b>Union-wide</b> network planning approaches, additional requirements for consistent planning are introduced. The network planning should also take account of the increased interlinkages between natural gas and electricity, as well as hydrogen <b>and district heating. To ensure a cost effective infrastructure rollout and to avoid stranded assets, the transmission system operators of gas and electricity and the hydrogen transmission network operators should develop a joint network development plan combining natural gas, hydrogen and electricity. The network planning should be transparent and allow the relevant stakeholders to participate. To that effect, the operators as well as the regulatory authorities should be required to conduct an extensive stakeholder consultation. The European Scientific Advisory Board on Climate Change, established under Regulation (EU)</b></p>	<p>(109) Transmission system operators play an important role in ensuring cost effective investments in gas networks. For an optimised planning across energy carriers and to bridge the gap between the diverse national and EU-wide network planning approaches, additional requirements for consistent planning are introduced. The network planning should also take account of the increased interlinkages between natural gas and electricity, as well as hydrogen.</p>	

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

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 110				
120	<p>(110) When developing the network development plan, it is important that infrastructure operators take the energy efficiency first principle<sup>1</sup> into account, in particular, the expected consumption used for the joint scenario development.</p> <p><sup>1</sup>. Commission Recommendation of 28.9/2021 on Energy Efficiency First: from principles to practice. Guidelines and examples for its implementation in decision-making in the energy sector and beyond, COM (2021) 7014 final</p>	<p>(110) When developing the network development plan, it is important that infrastructure operators take the energy efficiency first<sup>20</sup> <b>and system efficiency principles</b> into account, in particular, the expected consumption used for the joint scenario development. <b>Demand-side solutions should be prioritised whenever they are more cost-effective than investments in infrastructure and the direct electrification of end-use sectors.</b></p> <p><b>20. Commission Recommendation of 28.9/2021 on Energy Efficiency First: from principles to practice. Guidelines and examples for its implementation in decision-making in the energy sector and beyond, COM (2021) 7014 final.</b></p>	<p>(110) When developing the network development plan, it is important that infrastructure operators take the energy efficiency first principle<sup>1</sup> into account, in particular, the expected consumption used for the joint scenario development.</p> <p><sup>1</sup>. Commission Recommendation of 28.9/2021 on Energy Efficiency First: from principles to practice. Guidelines and examples for its implementation in decision-making in the energy sector and beyond, COM (2021) 7014 final</p>	
Recital 111				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
121	(111) The energy system integration strategy points out the importance of the coordinated planning and operation of the energy system in achieving the decarbonisation objectives. Therefore it is necessary to draw up a network development plan based on a joint scenario developed on a cross-sectoral basis. While still keeping separate sectorial plans, infrastructure operators should work towards a higher level of integration taking into account system needs beyond specific energy carriers.	(111) The energy system integration strategy points out the importance of the coordinated planning and operation of the energy system in achieving the decarbonisation objectives. Therefore it is necessary to draw up a network development plan based on a joint scenario developed on a cross-sectoral basis. Infrastructure operators should work towards a higher level of integration taking into account system needs beyond specific energy carriers.	(111) The energy system integration strategy points out the importance of the coordinated planning and operation of the energy system in achieving the decarbonisation objectives. Therefore it is necessary to draw up a network development plan based on a joint scenario developed on a cross-sectoral basis. While still keeping separate sectorial plans, infrastructure operators should work towards a higher level of integration taking into account system needs beyond specific energy carriers.	
Recital 112				
122	(112) Network development plans are an important element to identify infrastructure gaps and provide information on infrastructure that either needs to be built or that can be decommissioned and could be used for other purposes, such as hydrogen transport. This is true irrespective of the unbundling model chosen for the network operators.	(112) Network development plans are an important element to identify infrastructure gaps and provide information on infrastructure that needs to be built, that can be decommissioned <i>or that</i> could be used for other purposes, such as hydrogen transport. This is true irrespective of the unbundling model chosen for the network operators.	(112) Network development plans are an important element to identify infrastructure gaps and provide information on infrastructure that either needs to be built or that can be decommissioned and could be used for other purposes, such as hydrogen transport. This is true irrespective of the unbundling model chosen for the network operators.	
Recital 113				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
123	(113) Providing information on infrastructure that can be decommissioned within the network development plan may mean either leaving the infrastructure unused, dismantling it or using it for other purposes, such as hydrogen transport. The objective of this increased transparency on infrastructure takes into account that repurposed infrastructure is comparatively cheaper than newly built infrastructure and hence should enable a cost effective transition.	(113) Providing information on infrastructure that can be decommissioned <b>or repurposed</b> within the network development plan may mean either leaving the infrastructure unused, dismantling it or using it for other purposes, such as hydrogen transport. The objective of this increased transparency on infrastructure takes into account that repurposed infrastructure is comparatively cheaper than newly built infrastructure and hence should enable a cost effective transition. <b><i>Therefore, a joint network development plan for natural gas, hydrogen and electricity should support synergies and thereby lead the way to a faster and more cost-efficient development of the hydrogen infrastructure.</i></b>	(113) Providing information on infrastructure that can be decommissioned within the network development plan may mean either leaving the infrastructure unused, dismantling it or using it for other purposes, such as hydrogen transport. The objective of this increased transparency on infrastructure takes into account that repurposed infrastructure is comparatively cheaper than newly built infrastructure and hence should enable a cost effective transition.	
Recital 114				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
124	(114) In Member States where a hydrogen network will be developed, reporting on the development of hydrogen infrastructure should ensure that the construction of a hydrogen system is based on a realistic and forward-looking demand projections including potential needs from the perspective of the electricity system. If Member States decide to allow for dedicated charges as a means of co-funding new hydrogen infrastructure, the report should support the regulatory authority in its assessment of these charges. The report should be submitted to the regulatory authority on a regular basis to be decided by the regulatory authority. In light of the ramp-up character of the hydrogen market, a disproportionate and continuous sequencing of the reporting obligation should however be avoided.	(114) In Member States where a hydrogen network will be developed, <b>the network development plan</b> should ensure that the construction of a hydrogen system is based on a realistic, <b>science-based</b> and forward-looking demand projections including potential needs from the perspective of the electricity system. If Member States decide to allow for dedicated charges as a means of co-funding new hydrogen infrastructure, the <b>network development plan</b> should support the regulatory authority in its assessment of these charges. █	(114) In Member States where a hydrogen network will be developed, reporting on the development of hydrogen infrastructure should ensure that the construction of a hydrogen system is based on a realistic and forward-looking demand projections including potential needs from the perspective of the electricity system. If Member States decide to allow for dedicated charges as a means of co-funding new hydrogen infrastructure, the report should support the regulatory authority in its assessment of these charges. The report should be submitted to the regulatory authority on a regular basis to be decided by the regulatory authority. In light of the ramp-up character of the hydrogen market, a disproportionate and continuous sequencing of the reporting obligation should however be avoided.	
Recital 115				
125	(115) Information contained in the network development plan should enable a forecast on the impacts on tariffs based on planning and decommissioning affecting the regulated asset base as mentioned in Article 51 of this Directive.	(115) Information contained in the network development plan should enable a forecast on the impacts on tariffs based on planning, <b>decommissioning or repurposing</b> affecting the <b>regulatory</b> asset base █ .	(115) Information contained in the network development plan should enable a forecast on the impacts on tariffs based on planning and decommissioning affecting the regulated asset base as mentioned in Article 51 of this Directive.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 116				
126	(116) Instead of providing a national network development plan on individual Member State level, Member States should be allowed to choose to draw up a network development plan on regional level including more than one Member State and in line with voluntary regional gas market integration.	(116) Instead of providing a national network development plan on individual Member State level, Member States should be allowed to choose to draw up a network development plan on regional level including more than one Member State and in line with voluntary regional gas market integration.	(116) Instead of providing a national network development plan on individual Member State level, Member States should be allowed to choose to draw up a network development plan on regional level including more than one Member State and in line with voluntary regional gas market integration.	
Recital 117				
127	(117) In contrast to electricity, the role of natural gas is expected to decrease, which also affects the demand for infrastructure investments. The network development plan therefore needs to balance competition concerns and avoid stranded assets. Consequently, ownership unbundled transmission system operators should not be covered by Article 51 (7).	(117) In contrast to electricity, the role of natural gas <b><i>will increasingly decline in the future</i></b> , which also affects the demand for infrastructure investments. The network development plan therefore needs to balance competition concerns and avoid stranded assets. Consequently, ownership unbundled transmission system operators should not be covered by Article <b><i>51(7)</i></b> .	(117) In contrast to electricity, the role of natural gas is expected to decrease, which also affects the demand for infrastructure investments. The network development plan therefore needs to balance competition concerns and avoid stranded assets. Consequently, ownership unbundled transmission system operators should not be covered by Article 51 (7).	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
127a		<p><i>(117a) Member States should require distribution system operators and hydrogen distribution network operators to set out distribution network development plans which include the main distribution infrastructure that is required to integrate renewable gas from new production facilities as well as infrastructure that will be decommissioned or repurposed. The regulatory authority should approve the plans. Those plans should support the development of the ten-year network development plans as they contain important information for determining the need for expansion, repurposing or decommissioning of the network. The distribution network development plans should promote the energy efficiency and energy system integration and be based on the local heating and cooling plans, in particular as regards the use of gas for the heating and cooling of buildings where more energy and cost efficient alternatives are available. Those plans should contribute to the achievement of the Union's energy and climate targets and be based on reasonable assumptions about demand and production of gas as well as prioritise other available energy system resources where it is more efficient, demand-side solutions and end-users in hard-to-decarbonise</i></p>		

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

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
127b		<p><i>(117b) Member States should ensure that regional and local authorities prepare local heating and cooling plans that aim to support the use of local renewable sources in the most efficient way and sector integration at local level. They should include a strategy that provides for the necessary requirements for the infrastructure at the distribution level in order to meet the current and future demand for heating and cooling of a specific area, including the energy demand of final customers in industry, SMEs, buildings and transport. That strategy should provide transparency for the public and final customers as well as a reliable timeframe for investors and infrastructure operators on distribution level to meet an area's heating and cooling needs. The plans should be based on the local heating and cooling planning provided for in Directive (EU) .../...<sup>+</sup>, taking into account the potential of energy efficiency as well as the energy performance of buildings, the joint scenario framework and the network development plan. Members States should complement the comprehensive heating and cooling assessment with a national strategy aiming to reduce the use of gas for the heating and cooling of buildings on distribution level where more energy and cost</i></p>		

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

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 118				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
128	<p>(118) Investments in major new infrastructure should be strongly promoted while ensuring the proper functioning of the internal market of gases. 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/EC and 2009/73/EC with amendments should continue to apply until the scheduled expiry date</p>	<p>(118) Investments in major new infrastructure should be strongly promoted while ensuring the proper functioning of the internal market of <b>gas</b>. 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/EC and 2009/73/EC with amendments should continue to apply until the scheduled expiry date as decided in the granted exemption</p>	<p>(118) Investments in major new infrastructure should be strongly promoted while ensuring the proper functioning of the internal market of gases. <del>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 .</del> Moreover, given the exceptional risk profile of constructing those exempted major infrastructure projects, It should be possible temporarily to grant partial or full derogations to undertakings with supply and production interests in respect of the unbundling rules for the projects concerned. The possibility of temporary derogations should apply, for security of supply reasons, in particular, to new pipelines within the Union transporting gas from third countries into the Union. Exemptions and derogations granted under Directives 2003/55/EC and 2009/73/EC with amendments should continue to apply until the scheduled expiry date</p>	

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

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 119				
129	(119) It is necessary to progress towards interconnected hydrogen markets in the Union and thereby facilitate investments in cross-border hydrogen infrastructure. After 31 December 2030 when the regulated third-party access regime is applied comprehensively in all Member States and in the absence of cross-border transportation tariffs, a system of financial compensation should provide financial incentives for market participants to develop cross-border interconnectors.	(119) It is necessary to progress towards interconnected hydrogen markets in the Union and thereby facilitate investments in cross-border hydrogen infrastructure. After 31 December 2030 when the regulated third-party access regime is applied comprehensively in all Member States and in the absence of cross-border transportation tariffs, a system of financial compensation should provide financial incentives for market participants to develop cross-border interconnectors. <b><i>When developing that system, hydrogen network operators should take into account Article 5(7) of Regulation (EU) 2022/869.</i></b>	(119) It is necessary to progress towards interconnected hydrogen markets in the Union and thereby facilitate investments in cross-border hydrogen infrastructure. After 31 December 2030 when the regulated third-party access regime is applied comprehensively in all Member States and, in the absence of cross-border <del>transportation</del> <b>transport</b> tariffs, a system of financial compensation should provide financial incentives for market participants to develop cross-border interconnectors.	
Recital 120				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
130	(120) Trust in the market, its liquidity and the number of market participants needs to increase, and, therefore, regulatory oversight of undertakings active in the supply of gas needs to be increased. Such requirements should be without prejudice to, and compatible with, existing Union law in relation to the financial markets. Energy regulators and financial market regulators need to cooperate in order to enable each other to have an overview of the markets concerned.	(120) Trust in the market, its liquidity and the number of market participants needs to increase, and, therefore, regulatory oversight of undertakings active in the supply of gas needs to be increased. Such requirements should be without prejudice to, and compatible with, existing Union law in relation to the financial markets. Energy regulators and financial market regulators need to cooperate in order to enable each other to have an overview of the markets concerned.	(120) Trust in the market, its liquidity and the number of market participants needs to increase, and, therefore, regulatory oversight of undertakings active in the supply of gas needs to be increased. Such requirements should be without prejudice to, and compatible with, existing Union law in relation to the financial markets. Energy regulators and financial market regulators need to cooperate in order to enable each other to have an overview of the markets concerned. <b>Member States should be able to set the financial solidity of natural gas supply undertakings as a criterion to grant an authorisation for the sale, including resale, of natural gas. Such criterion should be fully transparent and non-discriminatory.</b>	
Recital 121				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
131	(121) Natural gas is mainly, and increasingly, imported into the Union from third countries. Union law should take account of the characteristics of natural gas, such as certain structural rigidities arising from the concentration of suppliers, the long-term contracts or the lack of downstream liquidity. Therefore, more transparency is needed, including in regard to the formation of prices.	(121) Natural gas is mainly, and increasingly, imported into the Union from third countries. Union law should take account of the characteristics of natural gas, such as certain structural rigidities arising from the concentration of suppliers, the long-term contracts or the lack of downstream liquidity. Therefore, more transparency is needed, <b>in particular with</b> regard to the formation of prices, <b>both wholesale and retail</b> .	(121) Natural gas is mainly, and increasingly, imported into the Union from third countries. Union law should take account of the characteristics of natural gas, such as certain structural rigidities arising from the concentration of suppliers, the long-term contracts or the lack of downstream liquidity. Therefore, more transparency is needed, including in regard to the formation of prices.	
Recital 122				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
132	<p>(122) Prior to the adoption by the Commission of guidelines defining further the record-keeping requirements, ACER and the Committee of European Securities Regulators (the ‘CESR’), established by Commission Decision 2009/77/EC<sup>1</sup>, should confer and advise the Commission in regard to their content. ACER and the CESR should also cooperate to investigate further and advise on whether transactions in gas supply contracts and gas derivatives should be subject to pre- and/or post-trade transparency requirements and, if so, what the content of those requirements should be.</p> <p><sup>1</sup>. OJ L 25, 29.1.2009, p. 18.</p>	<p>(122) Prior to the adoption by the Commission of guidelines defining further the record-keeping requirements, ACER and the Committee of European Securities Regulators (the ‘CESR’), established by Commission Decision 2009/77/EC<sup>21</sup>, should confer and advise the Commission in regard to their content. ACER and the CESR should also cooperate to investigate further and advise on whether transactions in gas supply contracts and gas derivatives should be subject to pre- and/or post-trade transparency requirements and, if so, what the content of those requirements should be.</p> <p><sup>21</sup>. <i>OJ L 25, 29.1.2009, p. 18.</i></p>	<p>(122) Prior to the adoption by the Commission of guidelines defining further the record-keeping requirements, ACER and the Committee of European Securities Regulators (the ‘CESR’), established by Commission Decision 2009/77/EC<sup>1</sup>, should confer and advise the Commission in regard to their content. ACER and the CESR should also cooperate to investigate further and advise on whether transactions in gas supply contracts and gas derivatives should be subject to pre- and/or post-trade transparency requirements and, if so, what the content of those requirements should be.</p> <p><sup>1</sup>. [1] OJ L 25, 29.1.2009, p. 18.</p>	
Recital 123				
133	<p>(123) Member States or, where a Member State has so provided, the regulatory authority, should encourage the development of interruptible supply contracts.</p>	<p>(123) Member States or, where a Member State has so provided, the regulatory authority, should encourage the development of interruptible supply contracts.</p>	<p>(123) Member States or, where a Member State has so provided, the regulatory authority, should encourage the development of interruptible supply contracts.</p>	
Recital 124				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
134	(124) Member States should ensure that, taking into account the necessary quality requirements, biogas and gas from biomass, in particular biomethane, or other types of gas are granted non-discriminatory access to the gas system, provided that such access is permanently compatible with the relevant technical rules and safety standards. Those rules and standards should ensure that those gases can technically and safely be injected into and transported through the natural gas system and should also address their chemical characteristics.	(124) Member States should ensure that, taking into account the necessary quality requirements, biogas and gas from biomass, in particular biomethane, or other types of gas are granted non-discriminatory access to the gas system, provided that such access is permanently compatible with the relevant technical rules and safety standards. Those rules and standards should ensure that <i>such gas</i> can technically and safely be injected into and transported through the natural gas system and should also address their chemical characteristics.	(124) Member States should ensure that, taking into account the necessary quality requirements, <del>biogas and gas from biomass, in particular biomethane,</del> or other types of gas are granted non-discriminatory access to the gas system, provided that such access is permanently compatible with the relevant technical rules and safety standards. Those rules and standards should ensure that those gases can technically and safely be injected into and transported through the natural gas system and should also address their chemical characteristics.	
Recital 125				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
135	<p>(125) Long-term contracts are an important part of the gas supply of Member States. However, they should not constitute a barrier to the entry of renewable and low carbon gases, which is why the duration of contracts for the supply of fossil gas will not be able to run beyond 2049. Such contracts shall always be in line with the objective of this Directive and are compatible with the TFEU, including the competition rules. It is necessary to take into account long-term contracts in the planning of supply and transport capacity of undertakings.</p>	<p>(125) Long-term contracts are an important part of the gas supply of Member States. However, they should not constitute a barrier to the entry of renewable <b>gas and low-carbon gas</b>, which is why the duration of contracts for the supply of fossil gas will not be able to run beyond 2049. Such contracts <b>should</b> always <b>comply</b> with the objective of this Directive and with the TFEU, including the competition rules. It is necessary to take into account long-term contracts in the planning of supply and transport capacity of undertakings. <b>While unabated fossil gas is still playing an important role, its relevance for securing the Union's energy supply will increasingly decline. In line with their national climate and energy plans, Member States should ensure the phase-out of fossil gas as soon as possible, taking into account the availability of alternatives. Member States may decide on an earlier end-date for the duration of long-term contracts for unabated fossil gas before the end of 2049.</b></p>	<p>(125) Long-term contracts- are an important part of the gas supply of Member States. However, they should not constitute a barrier to the entry of renewable and low carbon gases, which is why the duration of contracts for the supply of fossil gas will not be able to run beyond 2049. Such contracts shall always be in line with- the objective of this Directive and are compatible with the TFEU, including the competition rules. It is necessary to take into account long-term contracts in the planning of supply and transport capacity of undertakings.</p>	
Recital 126				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
136	(126) In order to ensure the maintenance of high standards of public service in the Union, all measures taken by Member States to achieve the objectives of this Directive should be regularly notified to the Commission. The Commission should regularly publish a report analysing measures taken at national level to achieve public service objectives and comparing their effectiveness, with a view to making recommendations as regards measures to be taken at national level to achieve high public service standards.	(126) In order to ensure the maintenance of high standards of public service in the Union, all measures taken by Member States to achieve the objectives of this Directive should be regularly notified to the Commission. The Commission should regularly publish a report analysing measures taken at national level to achieve public service objectives and comparing their effectiveness, with a view to making recommendations as regards measures to be taken at national level to achieve high public service standards.	(126) In order to ensure the maintenance of high standards of public service in the Union , all measures taken by Member States to achieve the objectives of this Directive should be regularly notified to the Commission. The Commission should regularly publish a report analysing measures taken at national level to achieve public service objectives and comparing their effectiveness, with a view to making recommendations as regards measures to be taken at national level to achieve high public service standards.	
Recital 127				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
137	(127) Respect for the public service requirements is a fundamental requirement of this Directive, and it is important that common minimum standards, respected by all Member States, are specified in this Directive, which take into account the objectives of common protection, security of supply, environmental protection and equivalent levels of competition in all Member States. It is important that the public service requirements can be interpreted on a national basis, taking into account national circumstances and subject to the respect of Union law.	(127) Respect for the public service requirements is a fundamental requirement of this Directive, and it is important that common minimum standards, respected by all Member States, are specified in this Directive, which take into account the objectives of common protection, <b>tackling energy poverty, price monitoring</b> , security of supply, environmental protection and equivalent levels of competition in all Member States. It is important that the public service requirements can be interpreted on a national basis, taking into account national circumstances and subject to the respect of Union law.	(127) Respect for the public service requirements is a fundamental requirement of this Directive, and it is important that common minimum standards, respected by all Member States, are specified in this Directive, which take into account the objectives of common protection, security of supply, environmental protection and equivalent levels of competition in all Member States. It is important that the public service requirements can be interpreted on a national basis, taking into account national circumstances and subject to the respect of Union law.	
Recital 128				
138	(128) It should be possible for measures implemented by Member States to achieve the objectives of social and economic cohesion to include, in particular, the provision of adequate economic incentives, using, where appropriate, all existing national and Union tools. It should be possible for such tools to include liability mechanisms to guarantee the necessary investment.	(128) It should be possible for measures implemented by Member States to achieve the objectives of social and economic cohesion to include, in particular, the provision of adequate economic incentives, using, where appropriate, all existing national and Union tools. It should be possible for such tools to include liability mechanisms to guarantee the necessary investment.	(128) It should be possible for measures implemented by Member States to achieve the objectives of social and economic cohesion to include, in particular, the provision of adequate economic incentives, using, where appropriate, all existing national and Union tools. It should be possible for such tools to include liability mechanisms to guarantee the necessary investment.	
Recital 129				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
139	(129) To the extent to which measures taken by Member States to fulfil public service obligations constitute State aid under Article 107(1) of the Treaty, there is an obligation under Article 108(3) of the Treaty to notify them to the Commission.	(129) To the extent to which measures taken by Member States to fulfil public service obligations constitute State aid under Article 107(1) of the Treaty, there is an obligation under Article 108(3) of the Treaty to notify them to the Commission.	(129) To the extent to which measures taken by Member States to fulfil public service obligations constitute State aid under Article <del>107(1) of the Treaty</del> <b>107(1) TFEU</b> , there is an obligation under Article 108(3) <del>of the Treaty</del> <b>TFEU</b> to notify them to the Commission.	
Recital 130				
140	(130) Market prices should give the right incentives for the development of the network.	(130) Market prices should give the right incentives for the development of the network.	(130) Market prices should give the right incentives for the development of the network.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
140a			<p><b>(130a) Certain Member States, due to the historical features and levels of maturity of their natural gas markets should have the possibility to derogate from specific rules established in this Directive to prevent unjustified penalization, and to favour an efficient development of natural gas markets in these countries. This specifically applies to Luxembourg, due to its specific market characteristics, and to all those Member States that are not yet connected to the interconnected system of any other Member State or that have not yet received the first commercial supply of their first long-term natural gas supply contract. In order to ensure a uniform application of Union law, derogations for Member States that are not yet connected to the interconnected system of any other Member State or that have not yet received the first commercial supply of their first long-term natural gas supply contract should be of a temporary nature, until those Member States are able to meet higher standards in terms of market opening and interconnectivity with the integrated gas system in the EU. Where such derogation applies, it should also cover any provisions in this Directive that are ancillary to,</b></p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 131				
141	(131) Promoting fair competition and easy access for different suppliers should be of the utmost importance for Member States in order to allow consumers to take full advantage of the opportunities of a liberalised internal market in gases.	(131) Promoting fair competition and easy access for different suppliers should be of the utmost importance for Member States in order to allow consumers to take full advantage of the opportunities of a liberalised internal market in <i>gas</i> .	(131) Promoting fair competition and easy access for different suppliers should be of the utmost importance for Member States in order to allow consumers to take full advantage of the opportunities of a liberalised internal market in gases.	
Recital 132				
142	(132) In order to contribute to security of supply whilst maintaining a spirit of solidarity between Member States, notably in the event of an energy supply crisis, it is important to provide for a framework for regional cooperation in a spirit of solidarity. Such cooperation may rely, if Member States so decide, first and foremost on market-based mechanisms. Cooperation for the promotion of regional and bilateral solidarity should not impose a disproportionate burden on or discriminate between market participants.	(132) In order to contribute to security of supply whilst maintaining a spirit of solidarity between Member States, notably in the event of an energy supply crisis, it is important to provide for a framework for regional cooperation in a spirit of solidarity. Such cooperation may rely, if Member States so decide, on market-based mechanisms. Cooperation for the promotion of regional and bilateral solidarity should not impose a disproportionate burden on or discriminate between market participants.	(132) In order to contribute to security of supply whilst maintaining a spirit of solidarity between Member States, notably in the event of an energy supply crisis, it is important to provide for a framework for regional cooperation in a spirit of solidarity. Such cooperation may rely, if Member States so decide, first and foremost on market-based mechanisms. Cooperation for the promotion of regional and bilateral solidarity should not impose a disproportionate burden on or discriminate between market participants.	
Recital 133				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
143	(133) With a view to creating an internal market in natural gas, Member States should foster the integration of their national markets and the cooperation of system operators at Union and regional level, also incorporating the isolated systems forming gas islands that persist in the Union.	(133) With a view to creating an internal market in natural gas, Member States should foster the integration of their national markets and the cooperation of system operators at Union and regional level, also incorporating the isolated systems forming gas islands that persist in the Union.	(133) With a view to creating an internal market in natural gas, Member States should foster the integration of their national markets and the cooperation of system operators at Union and regional level, also incorporating the isolated systems forming gas islands that persist in the Union.	
Recital 134				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
144	<p>(134) Voluntary regional markets integration, notably market mergers, can provide various benefits, depending on the specificities of the markets. Market integration may be an opportunity to make best use of infrastructure provided it does not negatively impact neighbouring markets, for instance by increased cross-border tariffs. It is also a chance to increase competition, liquidity and trade to the benefit of the end-consumers in the region, by attracting suppliers which otherwise would not come due to the small market size. Market integration allows also to create bigger zones accessing more supply sources. Such diversification might have an impact on the wholesale market prices, thanks to an improved competition between sources, but may also improve security of supply if there is no remaining internal congestion in the new merged zone. Market integration could be a basis to further support the transformation of the natural gas market, including the deployment of renewable and low-carbon gases. Member States, regulatory authorities and transmission system operators should cooperate to facilitate regional integration.</p>	<p>(134) Voluntary regional markets integration, notably market mergers, can provide various benefits, depending on the specificities of the markets. Market integration may be an opportunity to make best use of infrastructure provided it does not negatively impact neighbouring markets, for instance by increased cross-border tariffs. It is also a chance to increase competition, liquidity and trade to the benefit of the end-consumers in the region, by attracting suppliers which otherwise would not come due to the small market size. Market integration allows also to create bigger zones accessing more supply sources. Such diversification <i>could</i> have an impact on the wholesale market prices, thanks to an improved competition between sources, but may also improve security of supply if there is no remaining internal congestion in the new merged zone. Market integration could be a basis to further support the transformation of the natural gas market, including the deployment of renewable <i>gas</i> and low-carbon <i>gas</i>. Member States, regulatory authorities and transmission system operators should cooperate to facilitate regional integration.</p>	<p>(134) Voluntary regional markets integration, notably market mergers, can provide various benefits, depending on the specificities of the markets. Market integration may be an opportunity to make best use of infrastructure provided it does not negatively impact neighbouring markets, for instance by increased cross-border tariffs. It is also a chance to increase competition, liquidity and trade to the benefit of the end-consumers in the region, by attracting suppliers which otherwise would not come due to the small market size. Market integration allows also to create bigger zones accessing more supply sources. Such diversification might have an impact on the wholesale market prices, thanks to an improved competition between sources, but may also improve security of supply if there is no remaining internal congestion in the new merged zone. Market integration could be a basis to further support the transformation of the natural gas market, including the deployment of renewable and low-carbon gases. Member States, regulatory authorities and transmission system operators should cooperate to facilitate regional integration.</p>	
Recital 135				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
145	(135) The development of a true internal market in natural gas, through a network connected across the Union, should be one of the main goals of this Directive and regulatory issues on cross border interconnections and regional markets should, therefore, be one of the main tasks of the regulatory authorities, in close cooperation with ACER where relevant.	(135) The development of a true internal market in natural gas, through a network connected across the Union, should be one of the main goals of this Directive and regulatory issues on cross border interconnections and regional markets should, therefore, be one of the main tasks of the regulatory authorities, in close cooperation with ACER where relevant.	(135) The development of a true internal market in natural gas, through a network connected across the Union, should be one of the main goals of this Directive and regulatory issues on cross border interconnections and regional markets should, therefore, be one of the main tasks of the regulatory authorities, in close cooperation with ACER where relevant.	
Recital 136				
146	(136) Securing common rules for a true internal market and a broad supply of gas should also be one of the main goals of this Directive. To that end, undistorted market prices would provide an incentive for cross-border trade while leading, to price convergence.	(136) Securing common rules for a true internal market and a broad supply of gas should also be one of the main goals of this Directive. To that end, undistorted market prices would provide an incentive for cross-border trade while leading, to price convergence.	(136) Securing common rules for a true internal market and a broad supply of gas should also be one of the main goals of this Directive. To that end, undistorted market prices would provide an incentive for cross-border trade while leading, to price convergence.	
Recital 137				

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
148	(138) Since the objective of this Directive, namely the creation of a fully operational internal market in natural gas and in hydrogen, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of such an action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.	(138) Since the objective of this Directive, namely the creation of a fully operational internal market in natural gas and in hydrogen, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of such an action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.	(138) Since the objective of this Directive, namely the creation of a fully operational internal market in natural gas and in hydrogen, cannot be sufficiently achieved by the Member States- but can rather, by reason of the scale or effects of such an action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.	
Recital 139				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
149	<p>(139) Under Regulation (EC) No 715/2009 of the European Parliament and of the Council<sup>1</sup>, the Commission may adopt guidelines or network codes to achieve the necessary degree of harmonisation. Such guidelines or network codes, which constitute binding rules adopted as Commission Regulations, are, also with regard to certain provisions of this Directive, a useful tool which can be adapted quickly where necessary.</p> <p><sup>1</sup> 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>(139) Under Regulation (EC) No 715/2009 of the European Parliament and of the Council<sup>22</sup>, the Commission may adopt guidelines or network codes to achieve the necessary degree of harmonisation. Such guidelines or network codes, which constitute binding rules adopted as Commission Regulations, are, also with regard to certain provisions of this Directive, a useful tool which can be adapted quickly where necessary.</p> <p><sup>22</sup> <i>Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005 (OJ L 211, 14.8.2009, p. 36).</i></p>	<p>(139) Under Regulation (EC) No 715/2009 of the European Parliament and of the Council<sup>1</sup>, the Commission may adopt guidelines or network codes to achieve the necessary degree of harmonisation. Such guidelines or network codes, which constitute binding rules adopted as Commission <b>implementing</b> regulations, are, also with regard to certain provisions of this Directive, a useful tool which can be adapted quickly where necessary.</p> <p><sup>1</sup> 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 140				
150	<p>(140) In particular, the Commission should be empowered to adopt the guidelines necessary for providing the minimum degree of harmonisation required to achieve the aim of this Directive.</p>	<p>(140) In particular, the Commission should be empowered to adopt the guidelines necessary for providing the minimum degree of harmonisation required to achieve the aim of this Directive.</p>	<p>(140) In particular, the Commission should be empowered to adopt the guidelines necessary for providing the minimum degree of harmonisation required to achieve the aim of this Directive.</p>	
Recital 141				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
151	(141) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified, in particular following the judgment of the European Court of Justice in Case Commission vs Belgium (case C-543/17).	(141) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified, in particular following the judgment of the European Court of Justice in Case Commission vs Belgium (case C-543/17).	(141) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified, in particular following the judgment of the European Court of Justice in Case Commission vs Belgium (case C-543/17).	
Recital 142				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
152	<p>(142) This Directive respects the fundamental rights, and observes the principles, recognised in particular by the Charter of Fundamental Rights of the European Union. Accordingly, this Directive should be interpreted and applied in accordance with those rights and principles, in particular the right to the protection of personal data guaranteed by Article 8 of the Charter. It is essential that any processing of personal data under this Directive comply with Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>1</sup>.</p> <p><sup>1</sup>. OJ L 119, 4.5.2016, p. 1.</p>	<p>(142) This Directive respects the fundamental rights, and observes the principles, recognised in particular by the Charter of Fundamental Rights of the European Union. Accordingly, this Directive should be interpreted and applied in accordance with those rights and principles, in particular the right to the protection of personal data guaranteed by Article 8 of the Charter. It is essential that any processing of personal data under this Directive comply with Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>23</sup>.</p> <p><sup>23</sup>. <i>OJ L 119, 4.5.2016, p. 1.</i></p>	<p>(142) This Directive respects the fundamental rights, and observes the principles, recognised in particular by the Charter of Fundamental Rights of the European Union. Accordingly, this Directive should be interpreted and applied in accordance with those rights and principles, in particular the right to the protection of personal data guaranteed by Article 8 of the Charter. It is essential that any processing of personal data under this Directive comply with Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>1</sup>.</p> <p><sup>1</sup>. OJ L 119, 4.5.2016, p. 1.</p>	
Recital 143				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
153	<p>(143) In order to provide the minimum degree of harmonisation required to achieve the aim of this Directive, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of non-essential elements of certain specific areas which are fundamental for achieving the objectives of this Directive. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>1</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of the delegated acts.</p> <p><sup>1</sup>. OJ L 123, 12.5.2016, p. 1.</p>	<p>(143) In order to provide the minimum degree of harmonisation required to achieve the aim of this Directive, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of non-essential elements of certain specific areas which are fundamental for achieving the objectives of this Directive. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level <b>and with the public</b>, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>24</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the <b>public, the</b> European Parliament and the Council receive all documents at the same time as Member States' experts <b>and the public</b>, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of the delegated acts. <b>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.</b></p> <p><sup>24</sup>. OJ L 123, 12.5.2016, p. 1.</p>	<p>(143) In order to provide the minimum degree of harmonisation required to achieve the aim of this Directive, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of non-essential elements of certain specific areas which are fundamental for achieving the objectives of this Directive. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>1</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of the delegated acts.</p> <p><sup>1</sup>. [1] OJ L 123, 12.5.2016, p. 1.</p>	

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

2021/0425(COD) 25-05-2023 at 21h02 148/281

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 144				
154	(144) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission to determine interoperability requirements and non-discriminatory and transparent procedures for access to data. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.	(144) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission to determine interoperability requirements and non-discriminatory and transparent procedures for access to data. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.	(144) In order to ensure uniform conditions for the implementation of this Directive, implementing powers should be conferred on the Commission to determine interoperability requirements and non-discriminatory and transparent procedures for access to data. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.	
Recital 145				
155	(145) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive amendment as compared to the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.	(145) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive amendment as compared to the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.	(145) The obligation to transpose this Directive into national law should be confined to those provisions which represent a substantive amendment as compared to the earlier Directive. The obligation to transpose the provisions which are unchanged arises under the earlier Directive.	
Recital 146				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
156	<p>(146) In order to ensure a smooth and effective implementation of the provisions laid down in this Directive, the Commission supports Member States through the Technical Support Instrument<sup>1</sup> providing tailor-made technical expertise to design and implement reforms, including those promoting a competitive internal market in natural gas and in hydrogen, enabling the integration of renewables and low carbon gases, and increasing cooperation and coordination among transmission and distribution system operators. The technical support, for example, involves strengthening of administrative capacity, harmonising the legislative frameworks, and sharing of relevant best practices.</p> <p><sup>1</sup> Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument (OJ L 57, 18.2.2021, p.1).</p>	<p>(146) In order to ensure a smooth and effective implementation of the provisions laid down in this Directive, the Commission supports Member States through the Technical Support Instrument<sup>25</sup> providing tailor-made technical expertise to design and implement reforms, including those promoting a competitive internal market in natural gas and in hydrogen, enabling the integration of renewables and <b>low-carbon gas</b>, and increasing cooperation and coordination among transmission and distribution system operators. The technical support, for example, involves strengthening of administrative capacity, harmonising the legislative frameworks, and sharing of relevant best practices.</p> <p><sup>25</sup> Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument (OJ L 57, 18.2.2021, p. 1).</p>	<p>(146) In order to ensure a smooth and effective implementation of the provisions laid down in this Directive, the Commission supports Member States through the Technical Support Instrument <b>established by Regulation (EU) 2021/240 of the European Parliament and of the Council<sup>1</sup></b> and <sup>1</sup>providing tailor-made technical expertise to design and implement reforms, including those promoting a competitive internal market in natural gas and in hydrogen, enabling the integration of renewables and low carbon gases, and increasing cooperation and coordination among transmission and distribution system operators. The technical support, for example, involves strengthening of administrative capacity, harmonising the legislative frameworks, and sharing of relevant best practices.</p> <p><sup>1</sup> Regulation (EU) 2021/240 of the European Parliament and of the Council of 10 February 2021 establishing a Technical Support Instrument (OJ L 57, 18.2.2021, p.1).</p>	
Recital 147				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
157	(147) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for the transposition into national law and the date of application of the Directives set out in Annex III, Part B.	(147) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for the transposition into national law and the date of application of the Directives set out in Annex III, Part B,	(147) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for the transposition into national law and the date of application of the Directives set out in Annex III, Part B.	
Formula				
158	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	
Chapter I				
159	Chapter I Subject matter, scope and definitions	Chapter I Subject matter, scope and definitions	Chapter I Subject matter, scope and definitions	
Article 1				
160	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
160a		<p><i>-1. This Directive establishes a common framework for the decarbonisation of the gas market. To that end, it promotes the energy efficiency first principle, the integration of renewable gas and further energy system integration, contributes to the prudent and rational use of natural resources and to the achievement of the Union's climate and energy targets, and provides for fair attributions of costs and benefits as well as for a clear identification of responsibilities among market participants.</i></p>		
Article 1(1)				

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
163	3. This Directive establishes common rules for the transport, supply and storage of hydrogen using the hydrogen system. It lays down the rules relating to the organisation and functioning of this sector, access to the market, the criteria and procedures applicable to the granting of authorisations for networks, supply and storage of hydrogen and the operation of systems.	3. This Directive establishes common rules for the transport, supply and storage of hydrogen using the hydrogen system. It lays down the rules relating to the organisation and functioning of this sector, access to the market, the criteria and procedures applicable to the granting of authorisations for networks, supply and storage of hydrogen and the operation of systems.	3. This Directive establishes common rules for the transport, supply and storage of hydrogen using the hydrogen system. It lays down the rules relating to the organisation and functioning of this sector, access to the market, the criteria and procedures applicable to the granting of authorisations for networks, supply and storage of hydrogen and the operation of systems.	
Article 1(4)				
164	4. This Directive establishes rules for the progressive establishment of a Union-wide interconnected hydrogen system contributing to the reduction of net greenhouse gas emissions of difficult to decarbonise sectors and thereby supporting to the decarbonisation of the EU energy system.	4. This Directive establishes rules for the progressive establishment of a Union-wide interconnected hydrogen system contributing to the <b>long-term flexibility of the electricity system and to the reduction of net greenhouse gas emissions of difficult to decarbonise sectors where no more energy or cost efficient alternatives are available with the highest greenhouse gas abatement potential per tonne of hydrogen used</b> and thereby supporting to the decarbonisation of the <b>Union</b> energy system.	4. This Directive establishes rules for the progressive establishment of a Union-wide interconnected hydrogen system contributing to the reduction of net greenhouse gas emissions of, <b>including within</b> difficult to decarbonise sectors, and thereby supporting to the decarbonisation of the EU energy system.	
Article 2				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
165	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	
Article 2, first paragraph				
166	For the purposes of this Directive, the following definitions apply:	For the purposes of this Directive, the following definitions apply:	For the purposes of this Directive, the following definitions apply:	
Article 2, first paragraph, point (1)				
167	(1) ‘natural gas’ means all gases that primarily consist of methane, including biogas and gas from biomass, in particular biomethane, or other types of gas, that can technically and safely be injected into, and transported through, the natural gas system;	(1) ‘natural gas’ means <i>gas</i> that primarily consist of methane, including biogas, <i>as defined in Article 2, point (28), of Directive (EU) 2018/2001 that has been upgraded to</i> biomethane, or other types of gas, that can <i>be</i> technically and safely injected into, and transported through, the natural gas system;	(1) ‘natural gas’ means all gases that primarily consist of methane, including <del>biogas and gas from biomass, in particular biomethane,</del> or other types of gas, that can technically and safely be injected into, and transported through, the natural gas system;	
Article 2, first paragraph, point (2)				
168	(2) ‘renewable gas’ means biogas as defined in Article 2, point (28) of Directive (EU) 2018/2001, including biomethane, and renewable gaseous fuels part of fuels of non-biological origins (‘RFNBOs’) as defined in Article 2, point (36) of that Directive;	(2) ‘renewable gas’ means biogas as defined in Article 2, point (28), of Directive (EU) 2018/2001, including <i>biogas that has been upgraded to</i> biomethane, and renewable gaseous fuels part of fuels of non-biological origins (‘ <i>RFNBO</i> ’) as defined in Article 2, point (36), of that Directive;	(2) ‘renewable gas’ means biogas as defined in Article 2, point (28) of Directive (EU) 2018/2001, including biomethane, and renewable gaseous fuels part of fuels of non-biological origins (‘RFNBOs’) as defined in Article 2, point (36) of that Directive;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (3)				
169	(3) ‘gases’ mean natural gas and hydrogen;	(3) ‘ <b>gas</b> ’ mean natural gas and hydrogen;	(3) ‘gases’ mean natural gas and hydrogen;	
Article 2, first paragraph, point (4)				
170	(4) ‘natural gas system’ means a system of infrastructures, including pipelines, LNG terminals and storage facilities, which transports gases, that primarily consist of methane and include biogas and gas from biomass, in particular biomethane, or other types of gas that can technically and safely be injected into, and transported through the natural gas pipeline system;	(4) ‘natural gas system’ means a system of infrastructures, including pipelines, LNG terminals and storage facilities, which transports <b>gas</b> , that primarily consist of methane and include biogas and gas from biomass, in particular biomethane, or other types of gas that can technically and safely be injected into, and transported through the natural gas pipeline system;	(4) ‘natural gas system’ means a system of infrastructures, including pipelines, LNG terminals and storage facilities, which transports gases, that primarily consist of methane and include <del>biogas and gas from biomass, in particular</del> biomethane, or other types of gas that can technically and safely be injected into, and transported through the natural gas pipeline system;.	
Article 2, first paragraph, point (5)				
171	(5) ‘hydrogen system’ means a system of infrastructure, including hydrogen networks, hydrogen storage, and hydrogen terminals, which contains hydrogen of a high grade of purity;	(5) ‘hydrogen system’ means a system of infrastructure, including hydrogen networks, hydrogen storage, and hydrogen terminals, which contains hydrogen of a high grade of purity;	(5) ‘hydrogen system’ means a system of infrastructure, including hydrogen networks, hydrogen storage, and hydrogen terminals, which contains hydrogen of a high grade of purity <b>in line with applicable hydrogen quality standards for such system;</b>	
Article 2, first paragraph, point (6)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
172	(6) ‘hydrogen storage facility’ means a facility used for the stocking of hydrogen of a high grade of purity:	(6) ‘hydrogen storage facility’ means a facility used for the stocking of hydrogen of a high grade of purity <i>or ammonia, including</i> :	(6) ‘hydrogen storage facility’ means a facility used for the stocking of hydrogen of a high grade of purity:	
Article 2, first paragraph, point (6)(a)				
173	(a) including the part of an hydrogen terminal used for storage but excluding the portion used for production operations, and facilities reserved exclusively for hydrogen network operators in carrying out their functions;	(a) <b>■</b> the part of an hydrogen terminal used for storage, excluding the portion used for production operations, and facilities reserved exclusively for hydrogen network operators in carrying out their functions;	(a) including the part of an hydrogen terminal used for storage, but excluding the portion used for production operations; and facilities reserved exclusively for hydrogen network operators in carrying out their functions;	
Article 2, first paragraph, point (6)(b)				
174	(b) including large, in particular underground, hydrogen storage but excluding smaller, easily replicable hydrogen storage installations;	(b) <b>■</b> large, in particular underground, hydrogen storage, excluding smaller, easily replicable hydrogen storage installations;	(b) including large, in particular underground, hydrogen storage but excluding smaller, easily replicable hydrogen storage installations;	
174a		<i>(6a) ‘hydrogen storage operator’ means a natural or legal person who carries out the function of storage of hydrogen and is responsible for operating a hydrogen storage facility;</i>	<b>(6a) ‘hydrogen storage operator’ means a natural or legal person who carries out the function of storage of hydrogen and is responsible for operating a hydrogen storage facility;</b>	
Article 2, first paragraph, point (7)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
175	(7) ‘hydrogen linepack’ means the storage of hydrogen of a high grade of purity by compression in hydrogen networks, excluding facilities reserved for hydrogen network operators carrying out their functions;	(7) ‘hydrogen linepack’ means the storage of hydrogen of a high grade of purity by compression in hydrogen networks, excluding facilities reserved for hydrogen network operators carrying out their functions;	(7) ‘hydrogen linepack’ means the storage of hydrogen of a high grade of purity by compression in hydrogen networks, excluding facilities reserved for hydrogen network operators carrying out their functions;	
Article 2, first paragraph, point (8)				
176	(8) ‘hydrogen terminal’ means an installation used for the transformation of liquid hydrogen or liquid ammonia into gaseous hydrogen for injection into the hydrogen network or the liquefaction of gaseous hydrogen, including ancillary services and temporary storage necessary for the transformation process and subsequent injection into the hydrogen network, but not any part of the hydrogen terminal used for storage;	(8) ‘hydrogen terminal’ means an installation used for the transformation of liquid hydrogen or liquid ammonia into gaseous hydrogen for injection into the hydrogen network or the liquefaction of gaseous hydrogen, including ancillary services and temporary storage necessary for the transformation process and subsequent injection into the hydrogen network, but not any part of the hydrogen terminal used for storage;	(8) ‘hydrogen terminal’ means an installation used for the <b>offloading and</b> transformation of liquid hydrogen or liquid ammonia into gaseous hydrogen for injection into the hydrogen network or the <b>natural gas system or the</b> liquefaction of gaseous hydrogen <b>and its onloading</b> , including ancillary services and temporary storage necessary for the transformation process and subsequent injection into the hydrogen network, but not any part of the hydrogen terminal used for storage;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
176a		<i>(8a) ‘hydrogen terminal operator’ means a natural or legal person who carries out the function of transformation of liquid hydrogen or liquid ammonia into gaseous hydrogen for injection into the hydrogen network or the liquefaction of gaseous hydrogen and is responsible for operating a hydrogen terminal;</i>	<b>(8a) ‘hydrogen terminal operator’ means a natural or legal person who carries out the function of offloading and transformation of liquid hydrogen or liquid ammonia into gaseous hydrogen for injection into the hydrogen network or the natural gas system or the liquefaction and onloading of gaseous hydrogen and is responsible for operating a hydrogen terminal;</b>	
Article 2, first paragraph, point (9)				
177	(9) ‘hydrogen quality’ means hydrogen purity and contaminants in line with applicable hydrogen quality standards for the hydrogen system;	(9) ‘hydrogen quality’ means hydrogen purity and contaminants in line with applicable hydrogen quality standards for the hydrogen system;	(9) ‘hydrogen quality’ means hydrogen purity and contaminants in line with applicable hydrogen quality standards for the hydrogen system;	
Article 2, first paragraph, point (10)				
178	(10) ‘low-carbon hydrogen’ means hydrogen the energy content of which is derived from non-renewable sources, which meets a greenhouse gas emission reduction threshold of 70%;	(10) ‘low-carbon hydrogen’ means hydrogen the energy content of which is derived from non-renewable sources <b>and</b> which meets a greenhouse gas emission reduction threshold of <b>70 % and the relevant criteria set out in Article 8;</b>	(10) ‘low-carbon hydrogen’ means hydrogen the energy content of which is derived from non-renewable sources, which meets <b>at the</b> greenhouse gas emission reduction threshold of 70% <b>compared to the fossil fuel comparator EF(t) set out in Annex V of Directive (EU) 2018/2001;</b>	
Article 2, first paragraph, point (11)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
179	(11) ‘low-carbon gas’ means the part of gaseous fuels in recycled carbon fuels as defined in Article 2, point (35) of Directive (EU) 2018/2001, low-carbon hydrogen and synthetic gaseous fuels the energy content of which is derived from low-carbon hydrogen, which meet the greenhouse gas emission reduction threshold of 70%;	(11) ‘low-carbon gas’ means the part of gaseous fuels in recycled carbon fuels as defined in Article 2, point (35), of Directive (EU) 2018/2001, low-carbon hydrogen, and synthetic gaseous fuels the energy content of which is derived from low-carbon hydrogen, which meet the greenhouse gas emission reduction threshold of <b>70 % and the relevant criteria set out in Article 8 of this Directive;</b>	(11) ‘low-carbon gas’ means the part of gaseous fuels in recycled carbon fuels as defined in Article 2, point (35) of Directive (EU) 2018/2001, low-carbon hydrogen and synthetic gaseous fuels the energy content of which is derived from low-carbon hydrogen, which meet the greenhouse gas emission reduction threshold of 70% <b>compared to the fossil fuel comparator EF(t) set out in Annex V of Directive (EU) 2018/2001;</b>	
Article 2, first paragraph, point (12)				
180	(12) ‘low-carbon fuels’ means recycled carbon fuels as defined in Article 2 of Directive (EU) 2018/2001, low-carbon hydrogen and synthetic gaseous and liquid fuels the energy content of which is derived from low-carbon hydrogen, which meet the greenhouse gas emission reduction threshold of 70%;	(12) ‘low-carbon fuels’ means recycled carbon fuels as defined in Article 2, <b>point (35)</b> , of Directive (EU) 2018/2001, low-carbon hydrogen, and synthetic gaseous and liquid fuels the energy content of which is derived from low-carbon hydrogen, which meet the greenhouse gas emission reduction threshold of <b>70 % and the relevant criteria set out in Article 8 of this Directive;</b>	(12) ‘low-carbon fuels’ means recycled carbon fuels as defined in Article 2 of Directive (EU) 2018/2001, low-carbon hydrogen and synthetic gaseous and liquid fuels the energy content of which is derived from low-carbon hydrogen, which meet the greenhouse gas emission reduction threshold of 70% <b>compared to the fossil fuel comparator EF(t) set out in Annex V of Directive (EU) 2018/2001;</b>	
Article 2, first paragraph, point (13)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
181	(13) ‘hydrogen undertaking’ means a natural or legal person carrying out at least one of the following functions: hydrogen production, hydrogen transport, supply, purchase or storage of hydrogen, or operating a hydrogen terminal, and which is responsible for the commercial, technical or maintenance tasks related to those functions, but not including final customers;	(13) ‘hydrogen undertaking’ means a natural or legal person <i>who carries</i> out at least one of the following functions: hydrogen production, hydrogen transport, supply, purchase or storage of hydrogen, or operating a hydrogen terminal, and which is responsible for the commercial, technical or maintenance tasks related to those functions, <i>excluding</i> final customers;	(13) ‘hydrogen undertaking’ means a natural or legal person carrying out at least one of the following functions: hydrogen production, hydrogen transport, supply, purchase or storage of hydrogen, or operating a hydrogen terminal, and which is responsible for the commercial, technical or maintenance tasks related to those functions, but not including final customers;	
Article 2, first paragraph, point (14)				
182	(14) ‘natural gas undertaking’ means a natural or legal person carrying out production, transmission, distribution, supply, purchase or storage of natural gas, including LNG, and which is responsible for the commercial, technical or maintenance tasks related to those functions, but not including final customers;	(14) ‘natural gas undertaking’ means a natural or legal person <i>who carries</i> out production, transmission, distribution, supply, purchase or storage of natural gas, including LNG, and which is responsible for the commercial, technical or maintenance tasks related to those functions, <i>excluding</i> final customers;	(14) ‘natural gas undertaking’ means a natural or legal person carrying out production, transmission, distribution, supply, purchase or storage of natural gas, including LNG, and which is responsible for the commercial, technical or maintenance tasks related to those functions, but not including final customers;	
Article 2, first paragraph, point (15)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
183	(15) ‘upstream pipeline network’ means any pipeline or network of pipelines operated and/or constructed as part of an oil or natural gas production project, or used to convey natural gas from one or more such projects to a processing plant or terminal or final coastal landing terminal;	(15) ‘upstream pipeline network’ means any pipeline or network of pipelines operated and/or constructed as part of an oil or natural gas production project, or used to convey natural gas from one or more such projects to a processing plant or terminal or final coastal landing terminal;	(15) ‘upstream pipeline network’ means any pipeline or network of pipelines operated and/or constructed as part of an oil or natural gas production project, or used to convey natural gas from one or more such projects to a processing plant or terminal or final coastal landing terminal;	
Article 2, first paragraph, point (16)				
184	(16) ‘transmission’ means the transport of natural gas through a network, which mainly contains high-pressure pipelines, other than an upstream pipeline network and other than the part of high-pressure pipelines primarily used in the context of local distribution of natural gas, with a view to its delivery to customers, but not including supply;	(16) ‘transmission’ means the transport of natural gas through a network, which mainly contains high-pressure pipelines, other than an upstream pipeline network and other than the part of high-pressure pipelines primarily used in the context of local distribution of natural gas, with a view to its delivery to customers, <i>excluding</i> supply;	(16) ‘transmission’ means the transport of natural gas through a network, which mainly contains high-pressure pipelines, other than an upstream pipeline network and other than the part of high-pressure pipelines primarily used in the context of local distribution of natural gas, with a view to its delivery to customers, but not including supply;	
Article 2, first paragraph, point (17)				

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
187	(19) ‘distribution system operator’ means a natural or legal person who carries out the function of distribution and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the distribution system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the distribution of natural gas;	(19) ‘distribution system operator’ means a natural or legal person who carries out the function of distribution and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the distribution system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the distribution of natural gas;	(19) ‘distribution system operator’ means a natural or legal person who carries out the function of distribution and is responsible for operating, ensuring the maintenance of, and, if necessary, developing the distribution system in a given area and, where applicable, its interconnections with other systems, and for ensuring the long-term ability of the system to meet reasonable demands for the distribution of natural gas;	
Article 2, first paragraph, point (20)				
188	(20) ‘hydrogen network’ means a network of pipelines used for the transport of hydrogen of a high grade of purity with a view to its delivery to customers, but not including supply;	(20) ‘hydrogen network’ means a network of <i>onshore and offshore</i> pipelines used for the transport of hydrogen of a high grade of purity with a view to its delivery to customers, <i>excluding</i> supply;	(20) ‘hydrogen network’ means a network of pipelines used for the transport of hydrogen of a high grade of purity with a view to its delivery to customers, but not including supply;	
Article 2, first paragraph, point (21)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
189	(21) ‘hydrogen transport’ means the transport of hydrogen through a hydrogen network with a view to its delivery to customers, but not including supply, irrespective of the pressure, the geographic coverage or the connected customer group of the network;	(21) ‘hydrogen transport’ means the <b>transmission or distribution</b> of hydrogen through a hydrogen network with a view to its delivery to customers, <b>excluding</b> supply, irrespective of <b>transmission or distribution</b> , the geographic coverage or the connected customer group of the network;	(21) ‘hydrogen transport’ means the transport of hydrogen through a hydrogen network with a view to its delivery to customers, but not including supply, irrespective of the pressure, the geographic coverage or the connected customer group of the network;	
189a		<b><i>(21a) ‘hydrogen transmission’ means the transport of hydrogen through a network which mainly contains high-pressure pipelines, other than an upstream pipeline network and other than the part of high-pressure pipelines primarily used in the context of local distribution of natural gas, with a view to the delivery of hydrogen to customers, excluding supply;</i></b>		
189b		<b><i>(21b) ‘hydrogen distribution’ means the transport of hydrogen through local or regional pipeline networks with a view to its delivery to customers, excluding supply;</i></b>		
Article 2, first paragraph, point (22)				

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

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

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

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
197	(29) 'system' means any transmission networks, distribution networks, LNG facilities or storage facilities owned or operated by a natural gas undertaking, including linepack and its facilities supplying ancillary services and those of related undertakings necessary for providing access to transmission, distribution and LNG;	(29) 'system' means any transmission networks, distribution networks, LNG facilities or storage facilities owned or operated by a natural gas undertaking, including linepack and its facilities supplying ancillary services and those of related undertakings necessary for providing access to transmission, distribution and LNG;	(29) 'system' means any transmission networks, distribution networks, LNG facilities or storage facilities owned or operated by a natural gas undertaking, including linepack and its facilities supplying ancillary services and those of related undertakings necessary for providing access to transmission, distribution and LNG;	
Article 2, first paragraph, point (30)				
198	(30) 'ancillary services' means all services necessary for access to and the operation of transmission networks, distribution networks, LNG facilities, or storage facilities, including load balancing, blending and injection of inert gases, but not including facilities reserved exclusively for transmission system operators carrying out their functions;	(30) 'ancillary services' means all services necessary for access to and the operation of transmission networks, distribution networks, LNG facilities, or storage facilities, including load balancing, blending and injection of inert <b>gas, excluding</b> facilities reserved exclusively for transmission system operators carrying out their functions;	(30) 'ancillary services' means all services necessary for access to and the operation of transmission networks, distribution networks, LNG facilities, or storage facilities, including load balancing, blending, <b>deblending</b> and injection of inert gases, but not including facilities reserved exclusively for transmission system operators carrying out their functions;	
Article 2, first paragraph, point (31)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
199	(31) ‘natural gas linepack’ means the storage of natural gas by compression in gas transmission and distribution systems, but not including facilities reserved for transmission system operators carrying out their functions;	(31) ‘natural gas linepack’ means the storage of natural gas by compression in gas transmission and distribution systems, <i>excluding</i> facilities reserved for transmission system operators carrying out their functions;	(31) ‘natural gas linepack’ means the storage of natural gas by compression in gas transmission and distribution systems, but not including facilities reserved for transmission system operators carrying out their functions;	
Article 2, first paragraph, point (32)				
200	(32) ‘interconnected system’ means a number of systems which are linked with each other;	(32) ‘interconnected system’ means a number of systems which are linked with each other;	(32) ‘interconnected system’ means a number of systems which are linked with each other;	
Article 2, first paragraph, point (33)				
201	(33) ‘interconnector’ means a transmission line which crosses or spans a border between Member States for the purpose of connecting the national transmission system of those Member States or a transmission line between a Member State and a third country up to the territory of the Member States or the territorial sea of that Member State;	(33) ‘interconnector’ means a transmission line which crosses or spans a border between Member States for the purpose of connecting the national transmission system of those Member States or a transmission line between a Member State and a third country up to the territory of the Member States or the territorial sea of that Member State;	(33) ‘interconnector’ means a transmission line which crosses or spans a border between Member States for the purpose of connecting the national transmission system of those Member States or a transmission line between a Member State and a third country up to the territory of the Member States or the territorial sea of that Member State;	
Article 2, first paragraph, point (34)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
202	(34) ‘hydrogen interconnector’ means a hydrogen network which crosses or spans a border between Member States, or between a Member State and a third country up to the territory of the Member States or the territorial sea of that Member State;	(34) ‘hydrogen interconnector’ means a hydrogen network which crosses or spans a border between Member States, or between a Member State and a third country up to the territory of the Member States or the territorial sea of that Member State;	(34) ‘hydrogen interconnector’ means a hydrogen network which crosses or spans a border between Member States <b>for the purpose of connecting the national hydrogen networks of those Member States, or a hydrogen network</b> , or between a Member State and a third country up to the territory of the Member States or the territorial sea of that Member State;	
Article 2, first paragraph, point (35)				
203	(35) ‘direct line’ means a natural gas pipeline complementary to the interconnected system;	(35) ‘direct line’ means a natural gas pipeline complementary to the interconnected system;	(35) ‘direct line’ means a natural gas pipeline complementary to the interconnected system;	
Article 2, first paragraph, point (36)				
204	(36) ‘integrated natural gas undertaking’ means a vertically or horizontally integrated undertaking;	(36) ‘integrated natural gas undertaking’ means a vertically or horizontally integrated undertaking;	(36) ‘integrated natural gas undertaking’ means a vertically or horizontally integrated undertaking;	
Article 2, first paragraph, point (37)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
205	(37) ‘vertically integrated undertaking’ means a natural gas undertaking or a group of natural gas undertakings or a hydrogen undertaking or group of hydrogen undertakings where the same person or the same persons are entitled, directly or indirectly, to exercise control, and where the undertaking or group of undertakings perform at least one of the functions of transmission, distribution, hydrogen transport, hydrogen terminal operation, LNG or natural gas or hydrogen storage, and at least one of the functions of production or supply of natural gas or of hydrogen;	(37) ‘vertically integrated undertaking’ means a natural gas undertaking or a group of natural gas undertakings or a hydrogen undertaking or group of hydrogen undertakings where the same person or the same persons are entitled, directly or indirectly, to exercise control, and where the undertaking or group of undertakings perform at least one of the functions of transmission, distribution, hydrogen transport, hydrogen terminal operation, LNG or natural gas or hydrogen storage, and at least one of the functions of production or supply of natural gas or of hydrogen;	(37) ‘vertically integrated undertaking’ means a natural gas undertaking or a group of natural gas undertakings or a hydrogen undertaking or group of hydrogen undertakings where the same person or the same persons are entitled, directly or indirectly, to exercise control, and where the undertaking or group of undertakings perform at least one of the functions of transmission, distribution, hydrogen transport, hydrogen terminal operation, LNG or natural gas or hydrogen storage, and at least one of the functions of production or supply of natural gas or of hydrogen;	
Article 2, first paragraph, point (38)				
206	(38) ‘horizontally integrated undertaking’ means an undertaking performing at least one of the functions of production, transmission, distribution, supply or storage of natural gas, and a non-natural gas activity;	(38) ‘horizontally integrated undertaking’ means an undertaking performing at least one of the functions of production, transmission, distribution, supply or storage of natural gas, and a <b>non-natural</b> gas activity;	(38) ‘horizontally integrated undertaking’ means an undertaking performing at least one of the functions of production, transmission, distribution, supply or storage of natural gas, and a non-natural gas activity;	
Article 2, first paragraph, point (39)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
207	<p>(39) ‘related undertaking’ means an affiliated undertaking, as defined in point (12) of Article 2 of Directive 2013/34/EU of the European Parliament and of the Council<sup>1</sup>, or an undertaking which belongs to the same shareholders;</p> <p>1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).</p>	<p>(39) ‘related undertaking’ means an affiliated undertaking as defined in point (12), of Article 2 of Directive 2013/34/EU of the European Parliament and of the Council<sup>26</sup>, or an undertaking which belongs to the same shareholders;</p> <p><i>26. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).</i></p>	<p>(39) ‘related undertaking’ means an affiliated undertaking, as defined in point (12) of Article 2 of Directive 2013/34/EU of the European Parliament and of the Council<sup>1</sup>, or an undertaking which belongs to the same shareholders;</p> <p>1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC (OJ L 182, 29.6.2013, p. 19).</p>	
Article 2, first paragraph, point (40)				
208	<p>(40) ‘system user’ means a natural or legal person supplying to, or being supplied by, the system;</p>	<p>(40) ‘system user’ means a natural or legal person <i>who supplies to or is</i> supplied by the system;</p>	<p>(40) ‘system user’ means a natural or legal person supplying to, or being supplied by, the system;</p>	
Article 2, first paragraph, point (41)				
209	<p>(41) ‘customer’ means a wholesale or final customer of gases or a natural gas or hydrogen undertaking which purchases gases;</p>	<p>(41) ‘customer’ means a wholesale <i>customer or a</i> final customer or a natural gas or hydrogen undertaking which purchases <i>gas</i>;</p>	<p>(41) ‘customer’ means a wholesale or final customer of gases or a natural gas or hydrogen undertaking which purchases gases;</p>	
Article 2, first paragraph, point (42)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
210	(42) ‘household customer’ means a customer purchasing gases for his own household consumption;	(42) ‘household customer’ means a customer <b>who purchases gas for</b> his own household consumption;	(42) ‘household customer’ means a customer purchasing gases for his own household consumption;	
Article 2, first paragraph, point (43)				
211	(43) ‘non-household customer’ means a customer purchasing gases which are not for his own household use;	(43) ‘non-household customer’ means a customer <b>who purchases gas</b> which <b>is</b> not for his own household use;	(43) ‘non-household customer’ means a customer purchasing gases which are not for his own household use;	
Article 2, first paragraph, point (44)				
212	(44) ‘final customer’ means a customer purchasing gases for his own use;	(44) ‘final customer’ means a customer <b>who purchases gas for</b> his own use;	(44) ‘final customer’ means a customer purchasing gases for his own use;	
Article 2, first paragraph, point (45)				
213	(45) ‘wholesale customer’ means a natural or legal person other than a transmission system operator or distribution system operator who purchases gases for the purpose of resale inside or outside the system where he is established;	(45) ‘wholesale customer’ means a natural or legal person other than a transmission system operator or <b>a</b> distribution system operator, who purchases <b>gas</b> for the purpose of resale inside or outside the system where <b>that person</b> is established;	(45) ‘wholesale customer’ means a natural or legal person other than a transmission system operator or distribution system operator who purchases gases for the purpose of resale inside or outside the system where he is established;	
Article 2, first paragraph, point (46)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
214	(46) ‘microenterprise’ means an enterprise which employs fewer than 10 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 2 million;	(46) ‘microenterprise’ means an enterprise which employs fewer than 10 persons and whose annual turnover <i>or</i> annual balance sheet total does not exceed EUR 2 million;	(46) ‘microenterprise’ means an enterprise which employs fewer than 10 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 2 million;	
Article 2, first paragraph, point (47)				
215	(47) ‘small enterprise’ means an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million;	(47) ‘small enterprise’ means an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million;	(47) ‘small enterprise’ means an enterprise which employs fewer than 50 persons and whose annual turnover and/or annual balance sheet total does not exceed EUR 10 million;	
Article 2, first paragraph, point (48)				
216	(48) ‘security’ means both security of supply of natural gas and technical safety;	(48) ‘security’ means both security of supply of natural gas and technical safety;	(48) ‘security’ means both security of supply of natural gas and technical safety;	
Article 2, first paragraph, point (49)				
217	(49) ‘gas supply contract’ means a contract for the supply of gases, but does not include a gas derivative;	(49) ‘gas supply contract’ means a contract for the supply of <i>gas</i> , <i>excluding</i> a gas derivative;	(49) ‘gas supply contract’ means a contract for the supply of gases, but does not include a gas derivative;	
Article 2, first paragraph, point (50)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
218	<p>(50) ‘gas derivative’ means a financial instrument specified in points 5, 6 or 7 of Section C of Annex I to Directive 2014/65/EU on market financial instruments<sup>1</sup>, where that instrument relates to gas;</p> <p><sup>1</sup>. OJ L 145, 30.4.2004, p. 1 173, 12.6.2014, p. 349–496.</p>	<p>(50) ‘gas derivative’ means a financial instrument specified in <b>point</b> 5, 6 or 7 of Section C of Annex I to Directive 2014/65/EU <b>of the European Parliament and of the Council</b><sup>27</sup> where that <b>financial</b> instrument relates to gas;</p> <p><sup>27</sup>. <i>Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).</i></p>	<p>(50) ‘gas derivative’ means a financial instrument specified in points 5, 6 or 7 of Section C of Annex I to Directive 2014/65/EU on market financial instruments<sup>1</sup>, where that instrument relates to gas;</p> <p><sup>1</sup>. OJ L 145, 30.4.2004, p. 1 173 <b>173</b>, 12.6.2014, p. 349–496.</p>	
Article 2, first paragraph, point (51)				
219	<p>(51) ‘control’ means any rights, contracts or any other means which, either separately or in combination and having regard to the considerations of fact or law involved, confer the possibility of exercising decisive influence on an undertaking, in particular by:</p>	<p>(51) ‘control’ means any rights, contracts or any other means which, either separately or in combination and having regard to the considerations of fact or law involved, confer the possibility of exercising decisive influence on an undertaking, in particular by:</p>	<p>(51) ‘control’ means any rights, contracts or any other means which, either separately or in combination and having regard to the considerations of fact or law involved, confer the possibility of exercising decisive influence on an undertaking, in particular by:</p>	
Article 2, first paragraph, point (51)(a)				
220	<p>(a) ownership or the right to use all or part of the assets of an undertaking;</p>	<p>(a) ownership or the right to use all or part of the assets of an undertaking;</p>	<p>(a) ownership or the right to use all or part of the assets of an undertaking;</p>	
Article 2, first paragraph, point (51)(b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
221	(b) rights or contracts which confer decisive influence on the composition, voting or decisions of the organs of an undertaking;	(b) rights or contracts which confer decisive influence on the composition, voting or decisions of the organs of an undertaking;	(b) rights or contracts which confer decisive influence on the composition, voting or decisions of the organs of an undertaking;	
Article 2, first paragraph, point (52)				
222	(52) ‘long-term contract’ means a supply contract exceeding one year;	(52) ‘long-term contract’ means a supply contract exceeding one year;	(52) ‘long-term contract’ means a supply contract exceeding one year;	
Article 2, first paragraph, point (53)				
223	(53) ‘entry-exit system’ means the aggregation of all transmission and distribution systems to which one specific balancing regime applies;	(53) ‘entry-exit system’ means <i>an access model for natural gas</i> transmission <i>or</i> distribution systems <i>where system users book capacity rights independently on entry and exit points</i> ;	(53) ‘entry-exit system’ means <b>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 distribution system or parts of a distribution system</b> and distribution systems to which one specific balancing regime applies;	
Article 2, first paragraph, point (54)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
224	(54) ‘balancing zone’ means an entry-exit system to which a specific balancing regime applies;	(54) ‘balancing zone’ means an entry-exit system to which a specific balancing regime <b>is applicable, including distribution systems or parts of them</b> ;	(54) ‘balancing zone’ means an <del>entry-exit a</del> system to which a specific balancing regime <b>is applicable and which includes the transmission system and may include distribution systems or parts of such distribution systems</b> applies;	
Article 2, first paragraph, point (55)				
225	(55) ‘virtual trading point’ means a non-physical commercial point within an entry-exit system where gases are exchanged between a seller and a buyer without the need to book transmission or distribution capacity;	(55) ‘virtual trading point’ means a non-physical commercial point within an entry-exit system where <b>gas is</b> exchanged between a seller and a buyer without the need to book <b>█</b> capacity;	(55) ‘virtual trading point’ means a non-physical commercial point within an entry-exit system where gases are exchanged between a seller and a buyer without the need to book <del>transmission or distribution-</del> capacity;	
225a			<b>(55a) ‘network user’ means a customer or a potential customer of a system operator, and system operators themselves in so far as it is necessary for them to carry out their functions in relation to transport of natural gas and hydrogen</b>	
Article 2, first paragraph, point (56)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
226	(56) ‘entry point’ means a point subject to booking procedures by network users or producers providing access to an entry-exit system;	(56) ‘entry point’ means a point subject to booking procedures by network users <b>which provides</b> access to an <b>entry-exit system and enables gas flows in the</b> entry-exit system;	(56) ‘entry point’ means a point subject to booking procedures by network users <del>or producers</del> providing access to an entry-exit system;	
Article 2, first paragraph, point (57)				
227	(57) ‘exit point’ means a point subject to booking procedures by network users or final customers enabling gas flows out of the entry exit system;	(57) ‘exit point’ means a point subject to booking procedures by network users <b>which provides access to an entry-exit system and enables</b> gas flows out of the entry exit system;	(57) ‘exit point’ means a point subject to booking procedures by network users <del>or final customers</del> enabling gas flows out of the entry exit system;	
Article 2, first paragraph, point (58)				
228	(58) ‘interconnection point’ means a physical or virtual point connecting adjacent entry-exit systems or connecting an entry-exit system with an interconnector, in so far as these points are subject to booking procedures by network users;	(58) ‘interconnection point’ means a physical or virtual point <b>which connects</b> adjacent entry-exit systems or connecting an entry-exit system with an interconnector, in so far as <b>those</b> points are subject to booking procedures by network users;	(58) ‘interconnection point’ means a physical or virtual point connecting adjacent entry-exit systems or connecting an entry-exit system with an interconnector, in so far as these points are subject to booking procedures by network users;	
Article 2, first paragraph, point (59)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
229	(59) ‘virtual interconnection point’ means two or more interconnection points which connect the same two adjacent entry-exit systems, integrated together for the purposes of providing a single capacity service;	(59) ‘virtual interconnection point’ means two or more interconnection points which connect the same two adjacent entry-exit systems, integrated together for the purposes of providing a single capacity service;	(59) ‘virtual interconnection point’ means two or more interconnection points which connect the same two adjacent entry-exit systems, integrated together for the purposes of providing a single capacity service;	
Article 2, first paragraph, point (60)				
230	(60) ‘market participant’ means a natural or legal person who buys, sells or produces gases or who is an operator of storage services including through the placing of orders to trade in one or more gas markets including balancing markets;	(60) ‘market participant’ means a natural or legal person who buys, sells or produces <b>gas</b> or who is an operator of storage services including through the placing of orders to trade in one or more gas markets including balancing markets;	(60) ‘market participant’ means a natural or legal person who buys, sells or produces gases or who is an operator of storage services including through the placing of orders to trade in one or more gas markets including balancing markets;	
Article 2, first paragraph, point (61)				
231	(61) ‘contract termination fee’ means a charge or penalty imposed on customers by suppliers or market participants, for terminating a gas supply or service contract;	(61) ‘contract termination fee’ means a charge or penalty imposed on customers by suppliers or market participants ■ for terminating a gas supply or service contract;	(61) ‘contract termination fee’ means a charge or penalty imposed on customers by suppliers or market participants, for terminating a gas supply or service contract;	
Article 2, first paragraph, point (62)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
232	(62) ‘switching-related fee’ means a charge or penalty for changing suppliers or market participants, including contract termination fees, that is directly or indirectly imposed on customers by suppliers, market participants or system operators;	(62) ‘switching-related fee’ means a charge or penalty for changing suppliers or market participants, including contract termination fees, that is directly or indirectly imposed on customers by suppliers, market participants or system operators;	(62) ‘switching-related fee’ means a charge or penalty for changing suppliers or market participants, including contract termination fees, that is directly or indirectly imposed on customers by suppliers, market participants or system operators;	
Article 2, first paragraph, point (63)				
233	(63) ‘billing information’ means the information provided on a final customer's bill, apart from a request for payment;	(63) ‘billing information’ means the information provided on a final customer's bill, <b>excluding any</b> request for payment;	(63) ‘billing information’ means the information provided on a final customer's bill, apart from a request for payment;	
Article 2, first paragraph, point (64)				
234	(64) ‘conventional meter’ means an analogue or electronic meter with no capability to both transmit and receive data;	(64) ‘conventional meter’ means an analogue or electronic meter with no capability to both transmit and receive data;	(64) ‘conventional meter’ means an analogue or electronic meter with no capability to both transmit and receive data;	
Article 2, first paragraph, point (65)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
235	(65) ‘smart metering system’ means an electronic system that is capable of measuring gas fed into the grid or gas consumed from the grid, providing more information than a conventional meter, and that is capable of transmitting and receiving data for information, monitoring and control purposes, using a form of electronic communication;	(65) ‘smart metering system’ means an electronic system that is capable of measuring gas fed into the grid or gas consumed from the grid, providing more information than a conventional meter, and that is capable of transmitting and receiving data for information, monitoring and control purposes, using a form of electronic communication;	(65) ‘smart metering system’ means an electronic system that is capable of measuring gas fed into the grid or gas consumed from the grid, <del>providing more information than a conventional meter,</del> and that is capable of transmitting and receiving data for information, monitoring and control purposes, using a form of electronic communication;	
Article 2, first paragraph, point (66)				
236	(66) ‘interoperability’ means, in the context of smart metering, the ability of two or more energy or communication networks, systems, devices, applications or components to interwork to exchange and use information in order to perform required functions;	(66) ‘interoperability’ means, in the context of smart metering, the ability of two or more energy or communication networks, systems, devices, applications or components to interwork to exchange and use information in order to perform required functions;	(66) ‘interoperability’ means, in the context of smart metering, the ability of two or more energy or communication networks, systems, devices, applications or components to interwork to exchange and use information in order to perform required functions;	
Article 2, first paragraph, point (67)				
237	(67) ‘most recent available’ means, in the context of smart metering data, that it is provided within a period matching the shortest settlement period in the national market;	(67) ‘most recent available’ means, in the context of smart metering data, that it is provided within a period matching the shortest settlement period in the national market;	(67) ‘most recent available’ means, in the context of smart metering data, that it is provided within a period matching the shortest settlement period in the national market;	
Article 2, first paragraph, point (68)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
238	(68) ‘best available techniques’ means, in the context of data protection and security in a smart metering environment, the most effective, advanced and practically suitable techniques for providing, in principle, the basis for complying with the Union data protection and security rules;	(68) ‘best available techniques’ means, in the context of data protection and security in a smart metering environment, the most effective, advanced and practically suitable techniques for providing, in principle, the basis for complying with the Union data protection and security rules;	(68) ‘best available techniques’ means, in the context of data protection and security in a smart metering environment, the most effective, advanced and practically suitable techniques for providing, in principle, the basis for complying with the Union data protection and security rules;	
Article 2, first paragraph, point (69)				
239	(69) ‘energy poverty’ means energy poverty as defined in point (49) of Article 2 of Directive (EU) 2021/0203 COD of the European Parliament and of the Council;	(69) ‘energy poverty’ means <b><i>a household’s inability linked to meet, due to their unaffordability its basic energy supply needs and lack of access to essential energy services to ensure basic levels of comfort and health and a decent standard of living, including adequate heating and cooling, lighting, and energy to power appliances, in the relevant national context, existing social policy and other relevant policies, as a result of an insufficient disposable income, high energy expenditures and poor energy efficiency of homes;</i></b>	(69) ‘energy poverty’ means energy poverty as defined in point (49) of Article 2 of Directive (EU) 2021/0203 COD of the European Parliament and of the Council;	
Article 2, first paragraph, point (70)				
240	(70) ‘citizen energy community’ means a legal entity that:	<i>deleted</i>	(70) ‘ <del>citizen energy community</del> ’ means a <del>legal entity that</del> :	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 2, first paragraph, point (70)(a)				
241	(a) is based on voluntary and open participation and is effectively controlled by members or shareholders that are natural persons, local authorities, including municipalities, or small enterprises;	<i>deleted</i>	<del>(a) is based on voluntary and open participation and is effectively controlled by members or shareholders that are natural persons, local authorities, including municipalities, or small enterprises;</del>	
Article 2, first paragraph, point (70)(b)				
242	(b) has for its primary purpose to provide environmental, economic or social community benefits to its members or shareholders or to the local areas where it operates rather than to generate financial profits; and	<i>deleted</i>	<del>(b) has for its primary purpose to provide environmental, economic or social community benefits to its members or shareholders or to the local areas where it operates rather than to generate financial profits; and</del>	
Article 2, first paragraph, point (70)(c)				
243	(c) engages in production, distribution, supply, consumption, or storage of renewable gas in the natural gas system, or provides energy efficiency services or maintenance services to its members or shareholders;	<i>deleted</i>	<del>(c) engages in production, distribution, supply, consumption, or storage of renewable gas in the natural gas system, or provides energy efficiency services or maintenance services to its members or shareholders;</del>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
243a			(70a) ‘citizen energy community’ means a legal entity as defined in Article 2, point (11), of Directive (EU) 2019/944 that operates in the renewable gas market.	
Article 2, first paragraph, point (71)				
244	(71) ‘active customer’ means a final natural gas customer, or a group of jointly acting final natural gas customers, who consumes or stores renewable gas, produced within its premises located within confined boundaries or, where permitted by a Member State, within other premises, or who sells self-produced renewable gas using the natural gas system, or participates in energy efficiency schemes, provided that those activities do not constitute its primary commercial or professional activity;	(71) ‘active customer’ means a final <b>customer of</b> natural gas ■ , or a group of jointly acting final <b>customers of</b> natural gas ■ , who consumes or stores renewable gas <b>which is</b> produced within its premises located within confined boundaries or, where permitted by <b>the Member State concerned</b> , within other premises, or who sells self-produced renewable gas using the natural gas system, or <b>who</b> participates in energy efficiency schemes, provided that those activities do not constitute <b>the final customer’s</b> primary commercial or professional activity;	(71) ‘active customer’ means a final natural gas customer, or a group of jointly acting final natural gas customers, who consumes or stores renewable gas, produced within its premises located within confined boundaries or, where permitted by a Member State, within other premises, or who sells self-produced renewable gas using the natural gas system, or participates in <b>flexibility or participates in</b> energy efficiency schemes, provided that those activities do not constitute its primary commercial or professional activity;	
244a		(71a) ‘energy efficiency first’ means energy efficiency first as defined in Article 2, point (18), of Regulation (EU) 2018/1999;		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
244b		<i>(71b) 'dedicated hydrogen asset' means dedicated hydrogen asset as defined Article 2, point (17), of Regulation (EU) 2022/869;</i>		
244c		<i>(71c) 'repurposing' means repurposing as defined Article 2, point (18), of Regulation (EU) 2022/869</i>		
Chapter II				
245	Chapter II General rules for the organisation of the market	Chapter II General rules for the organisation of the market	Chapter II General rules for the organisation of the market	
Article 3				
246	Article 3 Competitive, consumer-centred, flexible and non-discriminatory markets for gases	Article 3 Competitive, <i>customer-centred</i> , flexible and non-discriminatory <i>gas</i> markets	Article 3 Competitive, consumer-centred, flexible and non-discriminatory markets for gases	
Article 3(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
247	1. Member States shall ensure that all customers are free to purchase gases from the supplier of their choice and shall ensure that all customers are free to have more than one supply contract for natural gas or hydrogen at the same time, provided that the required connection and metering points are established.	1. Member States shall ensure that all customers are free to purchase <b>gas</b> from the supplier of their choice and shall ensure that all customers are free to have more than one supply contract for natural gas or hydrogen at the same time, provided that the required connection and metering points are established <b>and do not discriminate against non-gas heating or cooling solutions.</b>	1. Member States shall ensure that all customers are free to purchase gases from the supplier of their choice and shall ensure that all customers are free to have more than one supply contract for natural gas or hydrogen at the same time, provided that the required connection and metering points are established.	
Article 3(2)				
248	2. Member States shall ensure that their national law does not unduly hamper cross-border trade in gases, the functioning and emergence of liquid trading for gases, consumer participation, investments into, in particular, renewable and low carbon gases, or energy storage between Member States, and shall ensure that prices for gases reflect actual demand and supply.	<b>1a.</b> Member States shall ensure that their national law <b>promotes a highly energy efficient and renewables-based market</b> , does not unduly hamper cross-border trade in <b>gas</b> , the functioning and emergence of liquid trading for <b>gas</b> , consumer participation, investments into, in particular, renewable <b>gas and low-carbon gas</b> , or energy storage between Member States, and shall ensure that prices for <b>gas</b> reflect actual demand and supply.	2. Member States shall ensure that their national law does not unduly hamper cross-border trade in gases, the functioning and emergence of liquid trading for gases, consumer participation, investments into, in particular, renewable and low carbon gases, or energy storage between Member States, and shall ensure that prices for gases reflect actual demand and supply.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
248a		<i>Member States shall ensure that liquid trading for gas is subject to transparency obligations, in particular with regard to commercial contracts, and adequate price building mechanisms.</i>		
Article 3(3)				
249	3. Member States shall ensure that no undue barriers exist within the internal market for gases as regards market entry and exit, trading and operation.	3. Member States shall ensure that no undue barriers exist within the internal market for <b>gas</b> as regards market entry and exit, trading and operation.	3. Member States shall ensure that no undue barriers exist within the internal market for gases as regards market entry and exit, trading and operation.	
Article 3(4)				
250	4. Member States shall ensure that energy undertakings are subject to transparent, proportionate and non-discriminatory rules, fees and treatment, in particular with respect to access to wholesale markets, access to data, switching processes and billing regimes and, where applicable, licensing.	4. Member States shall ensure that energy undertakings are subject to transparent, proportionate and non-discriminatory rules, fees and treatment, in particular with <b>regard to connection to the network</b> , access to wholesale markets, access to data, switching processes and billing regimes and, where applicable, licensing.	4. Member States shall ensure that energy undertakings are subject to transparent, proportionate and non-discriminatory rules, fees and treatment, in particular with respect to access to wholesale markets, access to data, switching processes and billing regimes and, where applicable, licensing.	
Article 3(5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
251	5. Member States shall ensure that market participants from third countries, when operating within the internal market for gases, comply with applicable Union and national law.	5. Member States shall ensure that market participants from third countries, when operating within the internal market for <b>gas</b> , comply with applicable Union and national law.	5. Member States shall ensure that market participants from third countries, when operating within the internal market for gases, comply with applicable Union and national law <b>including in the fields of environment and safety</b> .	
251a		<i>5a. Member States shall ensure a customer-centred and energy efficient approach in the hydrogen market. The use of renewable fuels and low-carbon fuels in the hydrogen network shall be prioritised for industrial customers in hard-to-decarbonise sectors with the highest greenhouse gas abatement potential, where more energy and cost efficient options are not available, including in hard to abate transport, such as maritime and aviation.</i>		
251b		<i>Article 3a EU indicative greenhouse gas intensity reduction target of the 2030 gas supply</i>		

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
251d		<p><b>2. Based on the report, the Commission shall, at the latest 6 months after its publication, where appropriate, put forward a legislative proposal to introduce measures, such as an indicative EU level target for the reduction of the greenhouse gas intensity of gas consumed in the Union by 2030. The use of dedicated hydrogen networks shall be considered. Without prejudice to the prioritisation of renewable gas, the target shall be considered addition to all relevant provisions in Directive [RED II and RED III] and Directive [EED], consistent with all relevant energy and climate legislation and take into account security of supplies and quality requirements for cross-border f gas. When calculating the target, the gradual phase-out of fossil gas and the assumed reduction of demand for gas in sectors other than hard-to-decarbonise sectors where no other more energy or cost efficient options are available shall be taken into account. The Commission accompany the proposal with a delegated act specifying the methodology for calculating and certifying the achievement of such target.</b></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
251e		<i>3. The Commission shall also specify the way Member States collectively aim at ensuring that the EU indicative greenhouse gas intensity reduction target is met, also by differentiated sectoral approaches, and how it shall be integrated in their national energy and climate plan.</i>		
Article 4				
252	Article 4 Market based supply prices	Article 4 Market based supply prices	Article 4 Market based supply prices	
Article 4(1)				
253	1. Suppliers shall be free to determine the price at which they supply gases to customers. Member States shall take appropriate actions to ensure effective competition between suppliers.	1. Suppliers shall be free to determine the price at which they supply <b>gas</b> to customers. Member States shall take appropriate actions to ensure effective competition between <b>supply undertakings and to avoid abuses of dominant positions as well as speculative and manipulative behaviour, to ensure fair prices for the final customers, as well as to ensure a level playing field between gas, electricity and thermal renewables.</b>	1. Suppliers shall be free to determine the price at which they supply gases to customers. Member States shall take appropriate actions to ensure effective competition between suppliers.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
253a		<i>1a. If there is evidence of market abuse in the retail market, Member States shall ensure that the relevant national authority intervenes immediately, including with regard to limiting the margins and profits of the undertaking concerned.</i>		
Article 4(2)				
254	2. Member States shall ensure the protection of energy poor and vulnerable household customers pursuant to Articles 25 by social policy or by other means than public interventions in the price setting for the supply of gases.	2. Member States shall ensure the protection of <b>vulnerable household customers and customers affected by or at risk of energy poverty</b> pursuant to Articles 25 by social policy or by other means than public interventions in the price setting for the supply of <b>gas</b> .	2. Member States shall ensure the protection of energy poor and vulnerable household customers pursuant to Articles 25 by social policy or by other means than public interventions in the price setting for the supply of gases.	
Article 4(3)				
255	3. By way of derogation from paragraphs 1 and 2, Member States may apply public interventions in the price setting for the supply of natural gas to energy poor or vulnerable household customers. Such public interventions shall be subject to the conditions set out in paragraphs 4 and 5.	3. By way of derogation from paragraphs 1 and 2, Member States may apply public interventions in the price setting for the supply of natural gas to <b>vulnerable household customers and customers affected by or at risk of energy poverty</b> . Such public interventions shall be subject to the conditions set out in paragraphs 4, <b>4a</b> and 5.	3. By way of derogation from paragraphs 1 and 2, Member States may apply public interventions in the price setting for the supply of natural gas to energy poor or vulnerable household customers. Such public interventions shall be subject to the conditions set out in paragraphs 4 and 5.	
Article 4(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
256	4. Public interventions in the price setting for the supply of natural gas shall:	4. Public interventions in the price setting for the supply of natural gas shall:	4. Public interventions in the price setting for the supply of natural gas shall:	
Article 4(4), point (a)				
257	(a) pursue a general economic interest and not go beyond what is necessary to achieve that general economic interest;	(a) pursue a general economic interest and not go beyond what is necessary to achieve that general economic interest;	(a) pursue a general economic interest and not go beyond what is necessary to achieve that general economic interest;	
Article 4(4), point (b)				
258	(b) be clearly defined, transparent, non-discriminatory and verifiable;	(b) be clearly defined, transparent, non-discriminatory and verifiable;	(b) be clearly defined, transparent, non-discriminatory and verifiable;	
Article 4(4), point (c)				
259	(c) guarantee equal access for Union natural gas undertakings to customers;	(c) guarantee equal access for Union natural gas undertakings to customers;	(c) guarantee equal access for Union natural gas undertakings to customers;	
Article 4(4), point (d)				
260	(d) be limited in time and proportionate as regards their beneficiaries;	(d) be limited in time and proportionate as regards their beneficiaries;	(d) be limited in time and proportionate as regards their beneficiaries;	
Article 4(4), point (e)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
261	(e) not result in additional costs for market participants in a discriminatory way.	(e) not result in additional costs for market participants in a discriminatory way;	(e) not result in additional costs for market participants in a discriminatory way.	
261a		<i>(ea) not hamper the transition to an integrated, highly energy efficient and renewables-based energy system in accordance with the relevant Union targets, law and strategies.</i>		
261b		<i>4a. When applying public interventions in price setting for the supply of natural gas in accordance with paragraph 3 or 6, Members States shall provide all of the following:</i>		
261c		<i>(a) financial and administrative support to beneficiaries for the purpose of investing in energy efficiency and renewable energy technologies;</i>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
261d		<i>(b) decent and affordable social housing;</i>		
261e		<i>(c) housing which complies with minimum energy performance standards;</i>		
261f		<i>(d) access to information and advice on energy efficiency and renewable energy technologies.</i>		
Article 4(5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
262	5. Any Member State applying public interventions in the price setting for the supply of natural gas in accordance with paragraph 3 of this Article shall also comply with of Article 3(3), point (d) and with Article 24 of Regulation (EU) 2018/1999, regardless of whether the Member State concerned has a significant number of households in energy poverty.	5. Any Member State applying public interventions in the price setting for the supply of natural gas in accordance with paragraph 3 of this Article shall also comply with of Article 3(3), point (d) and with Article 24 of Regulation (EU) 2018/1999, regardless of whether the Member State concerned has a significant number of households <b><i>affected by energy poverty. An adequate regulatory and financial support framework shall be put in place to effectively address customers affected by or at risk of energy poverty prior to the removal of public interventions in the price setting for the supply of natural gas.</i></b>	5. Any Member State applying public interventions in the price setting for the supply of natural gas in accordance with paragraph 3 of this Article shall also comply with of Article 3(3), point (d) and with Article 24 of Regulation (EU) 2018/1999, regardless of whether the Member State concerned has a significant number of households in energy poverty.	
Article 4(6)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
263	6. For the purpose of a transition period to establish effective competition for natural gas supply contracts between suppliers, and to achieve fully effective market-based retail pricing of gas in accordance with paragraph 1, Member States may apply public interventions in the price setting for the supply of natural gas to household customers and to microenterprises that do not benefit from public interventions pursuant to paragraph 3.	6. For the purpose of a <i>transitional</i> period to establish effective competition for natural gas supply contracts between suppliers, and to achieve fully effective market-based <i>and affordable</i> retail pricing of gas in accordance with paragraph 1 <i>of this Article</i> , Member States may apply public interventions in the price setting for the supply of natural gas to household customers and to microenterprises that do not benefit from public interventions pursuant to paragraph 3 <i>of this Article, as well as, in exceptional circumstances, to other limited number of customer groups, such as protected customers as defined in Article 2, point (5), of Regulation (EU) 2017/1938, in order to avoid significant impact on the economy and society.</i>	6. For the purpose of a transition period to establish effective competition for natural gas supply contracts between suppliers, and to achieve fully effective market-based retail pricing of gas in accordance with paragraph 1, Member States may apply public interventions in the price setting for the supply of natural gas to household customers <del>and to microenterprises</del> that do not benefit from public interventions pursuant to paragraph 3 <b>and to microenterprises.</b>	
Article 4(7)				
264	7. Public interventions pursuant to paragraph 6 shall comply with the criteria set out in paragraph 4 and shall:	7. Public interventions pursuant to paragraph 6 shall comply with the criteria set out in <i>paragraphs 4 and 4a</i> and shall:	7. Public interventions pursuant to paragraph 6 shall comply with the criteria set out in paragraph 4 and shall:	
Article 4(7), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
265	(a) be accompanied by a set of measures to achieve effective competition and a methodology for assessing progress with regard to those measures;	(a) be accompanied by a set of measures to achieve effective competition and a methodology for assessing progress with regard to those measures;	(a) be accompanied by a set of measures to achieve effective competition and a methodology for assessing progress with regard to those measures;	
Article 4(7), point (b)				
266	(b) be set using a methodology that ensures non-discriminatory treatment of suppliers;	(b) be set using a methodology that ensures non-discriminatory treatment of suppliers;	(b) be set using a methodology that ensures non-discriminatory treatment of suppliers;	
Article 4(7), point (c)				
267	(c) be set at a price that is above cost, at a level where effective price competition can occur;	(c) be set at a price that is above cost, at a level where effective price competition can occur;	(c) be set at a price that is above cost, at a level where effective price competition can occur;	
Article 4(7), point (d)				
268	(d) be designed to minimise any negative impact on the wholesale natural gas market;	(d) be designed to minimise any negative impact on the wholesale natural gas market;	(d) be designed to minimise any negative impact on the wholesale natural gas market;	
Article 4(7), point (e)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
269	(e) ensure that all beneficiaries of such public interventions have the possibility to choose competitive market offers and are directly informed at least every quarter of the availability of offers and savings in the competitive market, and shall ensure that they are provided with assistance to switch to a market-based offer;	(e) ensure that all beneficiaries of such public interventions have the possibility to choose competitive market offers and are directly informed at least every quarter of the availability of offers and savings in the competitive market, and shall ensure that they are provided with assistance to switch to a market-based offer;	(e) ensure that all beneficiaries of such public interventions have the possibility to choose competitive market offers and are directly informed at least every quarter of the availability of offers and savings in the competitive market, and shall ensure that they are provided with assistance to switch to a market-based offer;	
Article 4(7), point (f)				
270	(f) ensure that, pursuant to Articles 18 and 19, all beneficiaries of such public interventions are entitled to, and are offered to, have smart meters installed at no extra upfront cost to the customer, are directly informed of the possibility of installing smart meters and are provided with necessary assistance;	(f) ensure that, pursuant to Articles 18 and 19, all beneficiaries of such public interventions are entitled to, and are offered to, have smart meters installed at no extra upfront cost to the customer, are directly informed of the possibility of installing smart meters and are provided with necessary assistance;	(f) ensure that, pursuant to Articles 18 and 19, all beneficiaries of such public interventions are entitled to, and are offered to, <b>in case the Member State proceeds with the deployment of smart metering systems in accordance with Article 16,</b> have smart meters installed at no extra upfront cost to the customer <b>that all beneficiaries of such public interventions</b> , are directly informed of the possibility of installing smart meters and are provided with necessary assistance;	
Article 4(7), point (g)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
271	(g) not lead to direct cross-subsidisation between customers supplied at free market prices and those supplied at regulated supply prices.	(g) not lead to direct cross-subsidisation between customers supplied at free market prices and those supplied at regulated supply prices.	(g) not lead to direct cross-subsidisation between customers supplied at free market prices and those supplied at regulated supply prices.	
Article 4(8)				
272	8. Member States shall notify the measures taken in accordance with paragraphs 3 and 6 to the Commission within one month after their adoption and may apply them immediately. The notification shall be accompanied by an explanation of why other instruments were not sufficient to achieve the objective pursued, of how the requirements set out in paragraphs 4 and 7 are fulfilled and of the effects of the notified measures on competition. The notification shall describe the scope of the beneficiaries, the duration of the measures and the number of household customers affected by the measures, and shall explain how the regulated prices have been determined.	8. Member States shall notify the measures taken in accordance with paragraphs 3 and 6 to the Commission within one month after their adoption and may apply them immediately. The notification shall be accompanied by an explanation of why other instruments were not sufficient to achieve the objective pursued, of how the requirements set out in paragraphs 4, <b>4a</b> , <b>5</b> and 7 are fulfilled and of the effects of the notified measures on competition. The notification shall describe the scope of the <b>beneficiaries, in particular vulnerable household customers and customers affected by or at risk of energy poverty, as well as potential other</b> beneficiaries, the duration of the measures and the number of household customers affected by the measures, and shall explain how the regulated prices have been determined.	8. Member States shall notify the measures taken in accordance with paragraphs 3 and 6 to the Commission within one month after their adoption and may apply them immediately. The notification shall be accompanied by an explanation of why other instruments were not sufficient to achieve the objective pursued, of how the requirements set out in paragraphs 4 and 7 are fulfilled and of the effects of the notified measures on competition. The notification shall describe the scope of the beneficiaries, the duration of the measures and the number of household customers affected by the measures, and shall explain how the regulated prices have been determined.	
Article 4(9)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
273	<p>9. From 15 March 2025, and every two years thereafter, as part of the integrated national energy and climate progress reports, Member States shall submit reports to the Commission on the implementation of this Article, the necessity and proportionality of public interventions under this Article, and an assessment of the progress towards achieving effective competition between suppliers and the transition to market-based prices. Member States that apply regulated prices in accordance with paragraph 6 shall report on the compliance with the conditions set out in paragraph 7, including on compliance by suppliers that are required to apply such interventions, as well as on the impact of regulated prices on the finances of those suppliers.</p>	<p>9. From 15 March 2025, and every two years thereafter, as part of the integrated national energy and climate progress reports, Member States shall submit reports to the Commission on the implementation of this Article, the necessity and proportionality of public interventions under this Article, and an assessment of the progress towards achieving effective competition between suppliers and the transition to market-based prices. Member States that apply regulated prices in accordance with paragraph 6 shall report on the compliance with the conditions set out in paragraph 7, including on compliance by suppliers that are required to apply such interventions, as well as on the impact of regulated prices on the finances of those suppliers.</p>	<p>9. From 15 March 2025, and every two years thereafter, as part of the integrated national energy and climate progress reports, Member States shall submit reports to the Commission on the implementation of this Article, the necessity and proportionality of public interventions under this Article, and an assessment of the progress towards achieving effective competition between suppliers and the transition to market-based prices. Member States that apply regulated prices in accordance with paragraph 6 shall report on the compliance with the conditions set out in paragraph 7, including on compliance by suppliers that are required to apply such interventions, as well as on the impact of regulated prices on the finances of those suppliers.</p>	
Article 4(10)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
274	<p>10. The Commission shall review and submit a report to the European Parliament and to the Council on the implementation of this Article for the purpose of achieving market-based retail pricing of natural gas, together with or followed by a legislative proposal, if appropriate. This report may be combined with the report on the implementation of Article 5 of Directive (EU) 2019/944. That legislative proposal may include an end date for regulated prices.</p>	<p>10. The Commission shall review and submit a report to the European Parliament and to the Council on the implementation of this Article for the purpose of achieving market-based retail pricing of natural gas, together with or followed by a legislative proposal, if appropriate. <b><i>That legislative proposal may include an end date for regulated prices. That report shall, where appropriate, include an assessment of the impact of those measures on the progress in achieving the Union's climate neutrality objective and the other energy and climate objectives laid down in applicable Union energy law. That report may be combined with the report on the implementation of Article 5 of Directive (EU) 2019/944. █</i></b></p>	<p>10. The Commission shall review and submit a report to the European Parliament and to the Council on the implementation of this Article for the purpose of achieving market-based retail pricing of natural gas, together with or followed by a legislative proposal, if appropriate. This report may be combined with the report on the implementation of Article 5 of Directive (EU) 2019/944. That legislative proposal may include an end date for regulated prices.</p>	
274a			<p><b>Article 4a</b> <b>Access to affordable energy during a natural gas price crisis</b></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
274b			<p><b>1. The Council, on a proposal from the Commission, by means of an implementing decision, may declare a regional or Union-wide natural gas price crisis where the conditions in Article 66a(1) of Directive (EU) 2019/944 are fulfilled. The decision declaring a regional or Union-wide natural gas price crisis shall specify the validity of that decision which may be for a period of up to one year.</b></p>	
274c			<p><b>2. The Commission shall present a proposal for declaring such a natural gas price crisis, including the proposed period of validity of the decision, where it considers that the conditions referred to in paragraph 1 are fulfilled.</b></p>	
274d			<p><b>3. The Council, acting by a qualified majority, may amend the Commission proposal.</b></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
274e			<p><b>4. Where the Council has declared a crisis pursuant to paragraph 1, Member States may, for the duration and subject to the conditions referred to in Article 66a(3) of Directive (EU) 2019/944, apply targeted public interventions in price setting for the supply of natural gas to small and medium sized enterprises, households and essential social services as defined in Regulation (EU) 2017/1938 concerning measures to safeguard the security of gas supply.</b></p>	
274f			<p><b>5. Price interventions pursuant to paragraph 2 and for household customers and microenterprises referred to in Article 4(6) may, exceptionally and temporarily, be set below cost for the duration, and subject to the conditions, referred to in Article 66a(4) of Directive (EU) 2019/944.</b></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
274g			<b>6. For the purposes of applying this Article, any references to "electricity" in Directive (EU) 2019/944 shall be construed as references to "natural gas".</b>	
Article 5				
275	Article 5 Public service obligations	Article 5 Public service obligations	Article 5 Public service obligations	
Article 5(1)				
276	1. Member States shall ensure, on the basis of their institutional organisation and with due regard to the principle of subsidiarity, that, without prejudice to paragraph 2, natural gas and hydrogen undertakings are operated in accordance with the principles of this Directive with a view to achieving a competitive, secure and environmentally sustainable market in gases, and shall not discriminate between those undertakings as regards their rights or obligations.	1. Member States shall ensure, on the basis of their institutional organisation and with due regard to the principle of subsidiarity, that, without prejudice to paragraph 2, natural gas and hydrogen undertakings are operated in accordance with the principles of this Directive with a view to achieving a competitive, secure and environmentally sustainable <b>gas</b> market. <b>Member States</b> shall not discriminate between those undertakings as regards their rights or obligations <b>and shall not discriminate between undertakings providing the same services on the basis of renewables or by means of electrification directly from renewables.</b>	1. Member States shall ensure, on the basis of their institutional organisation and with due regard to the principle of subsidiarity, that, without prejudice to paragraph 2, natural gas and hydrogen undertakings are operated in accordance with the principles of this Directive with a view to achieving a competitive, secure and environmentally sustainable market in gases, and shall not discriminate between those undertakings as regards their rights or obligations.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 5(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
277	<p>2. Having full regard to the relevant provisions of the TFEU, in particular Article 106 thereof, Member States may impose on natural gas and hydrogen undertakings, in the general economic interest, public service obligations which may relate to security, including security of supply, regularity, and quality of supplies, and environmental protection, including energy efficiency, energy from renewable sources and climate protection. Such obligations shall be clearly defined, transparent, non-discriminatory, verifiable and shall guarantee equality of access for natural gas undertakings and hydrogen undertakings of the Union to national consumers.</p>	<p>2. Having full regard to the relevant provisions of the TFEU, in particular Article 106 thereof, Member States may impose on natural gas and hydrogen undertakings, in the general economic interest, public service obligations which may relate to security, including security of supply, regularity, <b>quality and price</b> of supplies, and environmental protection, including energy efficiency, energy from renewable sources and climate protection <b>and existing requirements to reduce or switch from fossil gas consumption</b>. Such obligations shall be clearly defined, transparent, non-discriminatory, verifiable and shall guarantee equality of access for natural gas undertakings and hydrogen undertakings of the Union to national consumers. <b>Public service obligations which concern public interventions in the price setting for the supply of gas shall comply with the requirements set out in Article 4. As regards the security of supply, energy efficiency/demand-side management and for the fulfilment of environmental goals and goals for energy from renewable sources, as referred to in this paragraph, Member States may introduce the implementation of long-term planning, taking into account the possibility of third parties seeking access to the system.</b></p>	<p>2. Having full regard to the relevant provisions of the TFEU, in particular Article 106 thereof, Member States may impose on natural gas and hydrogen undertakings, in the general economic interest, public service obligations which may relate to security, including security of supply, regularity, and quality of supplies, and environmental protection, including energy efficiency, energy from renewable sources and climate protection <b>and to the price of natural gas supply</b>. Such obligations shall be clearly defined, transparent, non-discriminatory, verifiable and shall guarantee equality of access for natural gas undertakings and hydrogen undertakings of the Union to national consumers.</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 5(3)				
278	3. Public service obligations related to the security of gas supply shall not go beyond what is necessary to ensure compliance with the gas supply standards pursuant to Article 6 of Regulation (EU) 2017/1938 and shall be coherent with the results of the national risk assessments carried out pursuant to Article 7(3), as detailed in the Preventive Action Plans prepared pursuant to Article 9(1), points (c),(d) and (k) of the same Regulation.	3. Public service obligations related to the security of gas supply shall not go beyond what is necessary to ensure compliance <i>of natural gas undertakings</i> with the gas supply standards pursuant to Article 6 of Regulation (EU) 2017/1938 and shall be coherent with the results of the national risk assessments carried out pursuant to Article 7(3), as detailed in the Preventive Action Plans prepared pursuant to Article 9(1), points (c), (d) and (k) of <i>that</i> Regulation.	3. Public service obligations related to the security of gas supply shall <del>not go beyond what is necessary to ensure compliance</del> <b>comply</b> with the gas supply standards pursuant to Article 6 of Regulation (EU) 2017/1938 and shall be coherent with the results of the national risk assessments carried out pursuant to Article 7(3), as detailed in the Preventive Action Plans prepared pursuant to Article 9(1), points (c), (d) and (k) of the same Regulation. <b>Public service obligations going beyond what is necessary to ensure compliance with Article 6 of Regulation (EU) 2017/1938 shall be compliant with the criteria set out in Article 8(1) of Regulation (EU) 2017/1938.</b>	
Article 5(4)				
279	4. Where financial compensation or other forms of compensation are granted by a Member State for the fulfilment of the obligations set out in this Article, it shall be done in a non-discriminatory and transparent way.	4. Where financial compensation or other forms of compensation are granted by a Member State for the fulfilment of the obligations set out in this Article, it shall be done in a non-discriminatory and transparent way.	4. Where financial compensation or other forms of compensation are granted by a Member State for the fulfilment of the obligations set out in this Article, it shall be done in a non-discriminatory and transparent way.	
Article 5(5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
280	<p>5. Member States shall, upon implementation of this Directive, inform the Commission of all measures adopted to fulfil public service obligations, including consumer and environmental protection, and their possible effect on national and international competition, whether or not such measures require a derogation from the provisions of this Directive. They shall notify the Commission subsequently every two years of any changes to such measures, whether or not they require a derogation from this Directive.</p>	<p>5. Member States shall, upon implementation of this Directive, inform the Commission of all measures adopted to fulfil public service obligations, including consumer and environmental protection, and their possible effect on national and international competition, whether or not such measures require a derogation from the provisions of this Directive. They shall notify the Commission subsequently every two years of any changes to such measures, whether or not they require a derogation from this Directive.</p>	<p>5. Member States shall, upon implementation of this Directive, inform the Commission of all measures adopted to fulfil public service obligations, including consumer and environmental protection, and their possible effect on national and international competition, whether or not such measures require a derogation from the provisions of this Directive. They shall notify the Commission subsequently every two years of any changes to such measures, whether or not they require a derogation from this Directive.</p>	
280a		<p><b><i>5a. Any measure adopted to fulfil public service obligations pursuant to this Article shall promote the energy efficiency first principle and further energy system integration, contribute to the prudent and rational use of natural resources and contribute to achieving the Union's climate and energy targets and the integrated national energy and climate plan and long-term strategy adopted under Regulation (EU) 2018/1999.</i></b></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
280b		<p><b><i>5b. Member States shall consult relevant stakeholders when imposing or adopting a measure to fulfil public service obligations pursuant to this Article. Without prejudice to other consultation or transparency provisions laid down in Union or national law, those consultations shall take place at an early stage and in an open, inclusive and transparent manner. The participation in consultations shall be voluntary and all relevant stakeholders shall be invited, including regulatory authorities, the transmission and distribution system operator, associations and undertakings involved in production, supply and consumption of electricity, gas and hydrogen markets, heating and cooling, independent aggregators, demand-response operators, organisations involved in energy efficiency solutions, energy consumer associations, civil society representatives, research organisations and universities, where appropriate.</i></b></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
280c		<i>The consultations shall aim to identify the views and proposals of all relevant stakeholders during the decision-making process as well as informing relevant stakeholders about the objectives of the measure referred to in the first subparagraph, why it is necessary and how it contributes to achieving the Union's climate and energy targets.</i>		
280d		<i>All official documents related to the consultations and documents used for development of the measure shall be made public while preserving the confidentiality of commercially sensitive information and data protection.</i>		
280e		<i>To ensure early and effective participation in the consultations of the stakeholders referred to in the first subparagraph, Member States shall publish a draft decision or measure in a timely, adequate manner prior to its adoption, to allow the stakeholders provide their comments.</i>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 6				
281	Article 6 Promotion of regional cooperation and integration	Article 6 Promotion of regional cooperation and integration	Article 6 Promotion of regional cooperation and integration	
Article 6(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
282	<p>1. Member States as well as the regulatory authorities shall cooperate with each other for the purpose of integrating their national markets at one and more regional levels, towards the creation of regional markets, where Member States as well regulatory authorities so decided, and further towards the creation of a fully liberalised internal market. In particular, the regulatory authorities where Member States have so provided or Member States shall promote and facilitate the cooperation of natural gas transmission system operators and hydrogen network operators at a regional level, including on cross-border issues, with the aim of creating a competitive internal market for gases, foster the consistency of their legal, regulatory and technical framework and facilitate integration of the isolated systems forming gas islands that persist in the Union. The geographical areas covered by such regional cooperation shall include cooperation in geographical areas defined in accordance with Article 28(3) of Recast Gas Regulation as proposed in COM(2021) 804 final. Such cooperation may cover other geographical areas. Where the Commission considers that the rules at Union level are relevant for the regional integration of markets for gases, it shall provide appropriate</p>	<p>1. Member States as well as the regulatory authorities shall cooperate with each other for the purpose of integrating their national markets at one and more regional levels, towards the creation of regional markets, where Member States as well regulatory authorities so decided, and further towards the creation of a fully liberalised internal market. In particular, the regulatory authorities where Member States have so provided or Member States shall promote and facilitate the cooperation of natural gas transmission system operators and hydrogen network operators at a regional level, including on cross-border issues <b>and on the decommissioning of assets</b>, with the aim of <b>ensuring cost-effective decarbonisation and</b> creating a competitive internal market for <b>gas</b>, foster the consistency of their legal, regulatory and technical framework and facilitate integration of the isolated systems forming gas islands that persist in the Union. The geographical areas covered by such regional cooperation shall include cooperation in geographical areas defined in accordance with Article 28(3) of Recast Gas Regulation as proposed in COM(2021) 804 final. Such cooperation may cover other geographical areas. Where the Commission considers that the rules at Union level are relevant for the</p>	<p>1. Member States as well as the regulatory authorities shall cooperate with each other for the purpose of integrating their national markets at one and more regional levels, towards the creation of regional markets, where Member States as well regulatory authorities so decided, and further towards the creation of a fully liberalised internal market. In particular, the regulatory authorities where Member States have so provided or Member States shall promote and facilitate the cooperation of natural gas transmission system operators and hydrogen network operators at a regional level, including on cross-border issues, with the aim of creating a competitive internal market for gases , foster the consistency of their legal, regulatory and technical framework and facilitate integration of the isolated systems forming gas islands that persist in the Union. The geographical areas covered by such regional cooperation shall include cooperation in geographical areas defined in accordance with Article 28(3) of Recast Gas Regulation as proposed in COM(2021) 804-final . Such cooperation may cover other geographical areas. Where the Commission considers that the rules at Union level are relevant for the regional integration of markets for gases, it shall provide appropriate</p>	

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 6(2)				
283	2. The Agency for the Cooperation of Energy Regulators ('ACER') shall cooperate with regulatory authorities and transmission system operators to ensure the compatibility of regulatory frameworks between and within the regions with the aim of creating a competitive internal market in gases. Where ACER considers that binding rules on such cooperation are required, it shall make appropriate recommendations.	2. The Agency for the Cooperation of Energy Regulators ('ACER') shall cooperate with regulatory authorities and transmission system operators to ensure the compatibility of regulatory frameworks between and within the regions with the aim of creating a competitive internal market in <i>gas that is compatible with the Union's climate neutrality objective</i> . Where ACER considers that binding rules on such cooperation are required, it shall make appropriate recommendations.	2. The Agency for the Cooperation of Energy Regulators- ('ACER ') shall cooperate with regulatory authorities and transmission system <b>operators and hydrogen network</b> operators to ensure the compatibility of regulatory frameworks between and within the regions with the aim of creating a competitive internal market in gases. Where ACER considers that binding rules on such cooperation are required, it shall make appropriate recommendations.	
Article 6(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
284	<p>3. Where vertically integrated transmission system operators participate in a joint undertaking established for implementing such cooperation, the joint undertaking shall establish and implement a compliance programme which sets out the measures to be taken to ensure that discriminatory and anticompetitive conduct is excluded. That compliance programme shall set out the specific obligations of employees to meet the objective of excluding discriminatory and anticompetitive conduct. It shall be subject to the approval of ACER. Compliance with the programme shall be independently monitored by the compliance officers of the vertically integrated transmission system operators.</p>	<p>3. Where vertically integrated transmission system operators participate in a joint undertaking established for implementing such cooperation, the joint undertaking shall establish and implement a compliance programme which sets out the measures to be taken to ensure that discriminatory and anticompetitive conduct is excluded. That compliance programme shall set out the specific obligations of employees to meet the objective of excluding discriminatory and anticompetitive conduct. It shall be subject to the approval of ACER. Compliance with the programme shall be independently monitored by the compliance officers of the vertically integrated transmission system operators.</p>	<p>3. Where vertically integrated transmission system operators participate in a joint undertaking established for implementing such cooperation, the joint undertaking shall establish and implement a compliance programme which sets out the measures to be taken to ensure that discriminatory and anticompetitive conduct is excluded. That compliance programme shall set out the specific obligations of employees to meet the objective of excluding discriminatory and anticompetitive conduct. It shall be subject to the approval of ACER. Compliance with the programme shall be independently monitored by the compliance officers of the vertically integrated transmission system operators.</p>	
Article 7				
285	Article 7 Authorisation procedure	Article 7 Authorisation procedure	Article 7 Authorisation procedure	
Article 7(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
286	<p>1. In circumstances where an authorisation (for example, a licence, permission, concession, consent or approval) is required for the construction or operation of natural gas facilities, hydrogen production facilities and hydrogen system infrastructure, the Member States or any competent authority they designate shall grant authorisations to build and/or operate such facilities, infrastructure, pipelines and associated equipment on their territory, in accordance with paragraphs 2 to 11. Member States or any competent authority they designate may also grant authorisations on the same basis for the supply of gases and for wholesale customers.</p>	<p>1. In circumstances where an authorisation (for example, a licence, permission, concession, consent or approval) is required for the construction, or operation of natural gas facilities, hydrogen production facilities and hydrogen system infrastructure, the Member States or any competent authority they designate shall grant authorisations to build and/or operate such facilities, infrastructure, pipelines and associated equipment on their territory, in accordance with paragraphs 2 to 11. Member States or any competent authority they designate may also grant authorisations on the same basis for the supply of <i>gas</i> and for wholesale customers.</p>	<p>1. In circumstances where an authorisation (for example, a licence, permission, concession, consent or approval) is required for the construction or operation of natural gas facilities, hydrogen production facilities and hydrogen system infrastructure, the Member States or any competent authority they designate shall grant authorisations to build and/or operate such facilities, infrastructure, pipelines and associated equipment on their territory, in accordance with paragraphs 2 to <del>11</del> <b>10</b>. Member States or any competent authority they designate may also grant authorisations on the same basis for the supply of gases and for wholesale customers.</p>	
Article 7(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
287	<p>2. Where Member States have a system of authorisation, they shall lay down objective and non-discriminatory criteria which shall be met by an undertaking applying for an authorisation to supply gases or to construct and/or operate natural gas facilities, hydrogen production facilities or hydrogen system infrastructure. The non-discriminatory criteria and procedures for the granting of authorisations shall be made public. Member States shall ensure that authorisation procedures for such facilities, infrastructure, pipelines and associated equipment take into account the importance of the project for the internal market for gases where appropriate.</p>	<p>2. Where Member States have a system of authorisation, they shall lay down objective and non-discriminatory criteria, <b>and transparent procedures as referred to in Articles 51(8a) and 52b(2)</b> which shall be met <b>when</b> an undertaking <b>applies</b> for an authorisation to supply <b>gas</b> or to construct and/or operate natural gas facilities, hydrogen production facilities or hydrogen system infrastructure. The non-discriminatory criteria and procedures for the granting of authorisations shall be made <b>publicly available</b>. Member States shall ensure that authorisation procedures for such facilities, infrastructure, pipelines and associated equipment take into account the importance of the project for the internal market for <b>gas</b> where appropriate.</p>	<p>2. Where Member States have a system of authorisation, they shall lay down objective and non-discriminatory criteria which shall be met by an undertaking applying for an authorisation to supply gases or to construct and/or operate natural gas facilities, hydrogen production facilities or hydrogen system infrastructure. The non-discriminatory criteria and procedures for the granting of authorisations shall be made public. Member States shall ensure that authorisation procedures for such facilities, infrastructure, pipelines and associated equipment take into account the importance of the project for the internal market for gases where appropriate.</p>	
287a			<p><b>2a. For natural gas suppliers, Member States may assess financial strength and technical capabilities of applicants as a criterion for authorization. Such criterion should be fully transparent and non-discriminatory.</b></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(2a)				
287b		<p><b>2a. Member States shall ensure that any national rules concerning the authorisation procedure referred to in this Article are proportionate and necessary, contribute to the implementation of the energy efficiency first principle and contribute to achieving the Union's climate and energy targets and the Member State's integrated national energy and climate plan as well as to their long-term strategies adopted under Regulation (EU) 2018/1999.</b></p>		
Article 7(3)				
288	<p>3. The authorisation procedures for the activities referred to in paragraph 1 shall not exceed two years, including all relevant procedures of competent authorities. Where duly justified on the grounds of extraordinary circumstances, that two-year period may be extended by up to one year</p>	<p>3. The authorisation procedures for the activities referred to in paragraph 1 shall not exceed two years, including all relevant procedures of competent authorities, <b><i>without prejudice to the rules applicable under Directive (EU) 2018/2001 [amended RED]</i></b>. Where duly justified on the grounds of extraordinary circumstances, that two-year period may be extended by up to one year.</p>	<p>3. The authorisation procedures for the activities referred to in paragraph 1 shall not exceed two years, including all relevant procedures of competent authorities. Where duly justified on the grounds of extraordinary circumstances, that two-year period may be extended by up to one year.</p>	
Article 7(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
289	4. Member States shall assess which legislative and non-legislative measures are necessary to streamline authorisation procedures, including any procedural steps related to environmental impact assessment procedures. Member States shall report to the European Commission on the results of such an assessment as part of their integrated national energy and climate plans as referred to in, and in accordance with, the procedure set out in Article 3 and Articles 7 to 12 of Regulation (EU) 2018/1999, and as part of their integrated national energy and climate progress reports pursuant to Article 17 of Regulation (EU) 2018/1999.	4. Member States shall assess which legislative and non-legislative measures are necessary to streamline authorisation procedures, including, <b>without hampering</b> , any procedural steps related to environmental impact assessment procedures <b>and public consultations</b> . Member States shall report to the European Commission on the results of such an assessment as part of their integrated national energy and climate plans as referred to in, and in accordance with, the procedure set out in Article 3 and Articles 7 to 12 of Regulation (EU) 2018/1999, and as part of their integrated national energy and climate progress reports pursuant to Article 17 of Regulation (EU) 2018/1999.	4. Member States shall assess which <b>national</b> legislative and non-legislative measures are necessary to streamline authorisation procedures, including any procedural steps related to environmental impact assessment procedures. Member States shall report to the European Commission on the results of such an assessment as part of their integrated national energy and climate plans as referred to in, and in accordance with, the procedure set out in Article 3 and Articles 7 to 12 of Regulation (EU) 2018/1999, and as part of their integrated national energy and climate progress reports pursuant to Article 17 of Regulation (EU) 2018/1999.	
Article 7(5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
290	5. The deadlines established in paragraph 3 shall apply without prejudice to obligations under applicable Union environmental law, to judicial appeals, remedies and other proceedings before a court or tribunal, and to alternative dispute resolution mechanisms, including complaints procedures, non-judicial appeals and remedies, and may be extended for the duration of such procedures.	5. The deadlines established in paragraph 3 shall apply without prejudice to obligations under applicable Union environmental <b>and energy law, such as Directive (EU) 2018/2001 [amended RED]</b> , to judicial appeals, remedies and other proceedings before a court or tribunal, and to alternative dispute resolution mechanisms, including complaints procedures, non-judicial appeals and remedies, and may be extended for the duration of such procedures.	5. The deadlines established in paragraph 3 shall apply without prejudice to obligations under applicable Union environmental law, to judicial appeals, remedies and other proceedings before a court or tribunal, and to alternative dispute resolution mechanisms, including complaints procedures, non-judicial appeals and remedies, and may be extended for the duration of such procedures.	
Article 7(6)				
291	6. Member States shall set up or designate one or more contact points. Those contact points shall, upon request by the applicant, and free of charge, guide through and facilitate the entire authorisation procedure for the activities referred to in paragraph 1 up to the delivery by the responsible authorities at the end of the procedure. The applicant shall not be required to contact more than one contact point for the entire process.	6. Member States shall set up or designate one or more contact points. Those contact points shall, upon request by the applicant, and free of charge, guide through and facilitate the entire authorisation procedure for the activities referred to in paragraph 1 up to the delivery by the responsible authorities at the end of the procedure. The applicant shall not be required to contact more than one contact point for the entire process.	6. Member States shall set up or designate one or more contact points. Those contact points shall, upon request by the applicant, and free of charge, guide through and facilitate the entire authorisation procedure for the activities referred to in paragraph 1 up to the delivery by the responsible authorities at the end of the procedure. The applicant shall not be required to contact more than one contact point for the entire process.	
Article 7(7)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
292	7. Member States shall ensure that authorisations under national law for the construction and operation of natural gas pipelines and other network assets used for the transport of natural gas shall apply also to pipelines and network assets for the transport of hydrogen.	7. Member States shall ensure that authorisations under national law for the construction and operation of natural gas pipelines and other network assets used for the transport of natural gas shall apply also to pipelines and network assets for the transport of hydrogen.	7. Member States shall ensure that authorisations under national law for the construction and operation of natural gas <b>system infrastructure also apply to hydrogen system infrastructure. This is without prejudice to the right of Member States to revoke these authorisations if the hydrogen infrastructure does not comply with technical safety rules for hydrogen system infrastructure set out in Union or national law</b> <del>pipelines and other network assets used for the transport of natural gas shall apply also to pipelines and network assets for the transport of hydrogen.</del>	
Article 7(8)				
293	8. Member States shall ensure that existing contractual land-use rights for the construction and operation of natural gas pipelines and other network assets shall be understood as encompassing also pipelines and other network assets for the transport of hydrogen.	8. Member States shall ensure that existing contractual land-use rights for the construction and operation of natural gas pipelines and other network assets shall be understood as encompassing also pipelines and other network assets for the transport of hydrogen.	8. Member States shall ensure that existing <del>contractual</del> land-use rights for the construction and operation of natural gas pipelines and other network assets shall be <del>understood as encompassing also</del> <b>also applied to</b> pipelines and other network assets for the transport of hydrogen.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
293a			<b>8a. In the event of a transfer of infrastructure ownership within the same undertaking to meet the requirements of Article 63, the authorisations pertaining to that infrastructure shall equally be transferred to the new owner.</b>	
Article 7(9)				
294	9. Member States shall ensure that the reasons for any refusal to grant an authorisation are objective and non-discriminatory and that they are given to the applicant. Reasons for such refusals shall be notified to the Commission for information. Member States shall establish a procedure enabling the applicant to appeal against such refusals.	9. Member States shall ensure that the reasons for any refusal to grant an authorisation are objective and non-discriminatory and that they are given to the applicant. Reasons for such refusals shall be notified to the Commission for information. Member States shall establish a procedure enabling the applicant to appeal against such refusals.	9. Member States shall ensure that the reasons for any refusal to grant an authorisation are objective and non-discriminatory and that they are given to the applicant. Reasons for such refusals shall be notified to the Commission for information. Member States shall establish a procedure enabling the applicant to appeal against such refusals.	
Article 7(10)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
295	10. For the development of newly supplied areas and efficient operation generally, and without prejudice to Article 30, Member States may decline to grant a further authorisation to build and operate distribution pipeline systems for natural gas in any particular area once such pipeline systems have been or are authorised to be built in that area and if existing or proposed capacity is not saturated.	10. For the development of newly supplied areas and efficient operation generally, and without prejudice to Article 30, Member States <b>shall</b> decline to grant a further authorisation to build and operate distribution pipeline systems for natural gas in any particular area <b>unless established in the distribution network development plan prepared pursuant to Article 52b or the capacity was identified in the network development plan referred to in Article 51</b> once such pipeline systems have been or are authorised to be built in that area and if existing or proposed capacity is not saturated.	10. For the development of newly supplied areas and efficient operation generally, and without prejudice to Article 30, Member States may decline to grant a further authorisation to build and operate distribution pipeline systems for natural gas in any particular area once such pipeline systems have been or are authorised to be built in that area and if existing or proposed capacity is not saturated.	
Article 8				
296	Article 8 Certification of renewable and low carbon fuels	Article 8 Certification of renewable <b>fuels and low-carbon</b> fuels	Article 8 Certification of renewable and low carbon fuels	
Article 8(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
297	1. Renewable gases shall be certified in accordance with Articles 29 and 30 of Directive (EU) 2018/2001.	1. Renewable <i>gas</i> shall be certified in accordance with Articles 29, <i>29a</i> and 30 of Directive (EU) 2018/2001 [ <i>amended RED</i> ].	1. <b>For the purposes of certification of renewable gases and low carbon fuels, Member States shall be certified in accordance with Articles 29 and 30 require economic operators to show that the conditions for renewable gases set out in Article 25(2) and 29 of Directive (EU) 2018/2001 are complied with. Compliance with those sustainability and greenhouse gas saving criteria shall be demonstrated in accordance with Article 30 of that Directive.</b>	
Article 8(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
298	<p>2. In order to ensure that the greenhouse gas emissions savings from the use of low carbon fuels and low carbon hydrogen are at least 70% in accordance with the definitions in Article 2, points (10) and (12), Member States shall require economic operators to show that this threshold and the requirements established in the methodology referred to in paragraph 5 of this Article have been complied with. For those purposes, they shall require economic operators to use a mass balance system in line with Article 30 (1) and (2) of Directive (EU) 2018/2001.</p>	<p>2. In order to ensure that the greenhouse gas emissions savings from the use of <b>low-carbon</b> fuels and <b>low-carbon</b> hydrogen are at least 70% in accordance with the definitions in Article 2, points (10) and (12), Member States shall require economic operators to show that this threshold and the requirements established in the methodology referred to in paragraph 5 of this Article have been complied with. For those purposes, they shall require economic operators to use a mass balance system in line with Article <b>30(1)</b> and (2) of Directive (EU) 2018/2001.</p>	<p>2. In order to ensure that the greenhouse gas emissions savings from the use of low carbon fuels and low carbon hydrogen are at least 70% in accordance with the definitions in Article 2, points (10) and (12), Member States shall require economic operators to show that this threshold and the requirements established in the methodology referred to in paragraph 5 of this Article have been complied with. For those purposes, they shall require economic operators to use a mass balance system in line with Article 30 (1) and (2) of Directive (EU) 2018/2001.</p>	
Article 8(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
299	<p>3. Member States shall ensure that economic operators submit reliable information regarding the compliance with the 70% greenhouse gas emissions savings threshold set in paragraph 2 and with the greenhouse gas emissions saving methodology referred to in paragraph 5, and that economic operators make available to the relevant Member State, upon request, the data that were used to develop the information. Member States shall require economic operators to put in place an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud.</p>	<p>3. Member States shall ensure that economic operators submit reliable information regarding the compliance with the 70 % greenhouse gas emissions savings threshold set in paragraph 2 and with the greenhouse gas emissions saving methodology referred to in paragraph 5, and that economic operators make available to the relevant Member State, upon request, the data that were used to develop the information. Member States shall require economic operators to put in place an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud.</p>	<p>3. Member States shall ensure that economic operators submit reliable information regarding the compliance with the 70% greenhouse gas emissions savings threshold set in paragraph 2 and with the greenhouse gas emissions saving methodology referred to in paragraph 5, and that economic operators make available to the relevant Member State, upon request, the data that were used to develop the information. Member States shall require economic operators to put in place an adequate standard of independent auditing of the information submitted, and to provide evidence that this has been done. The auditing shall verify that the systems used by economic operators are accurate, reliable and protected against fraud.</p>	
Article 8(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
300	<p>4. The obligations laid down in paragraph 2 shall apply regardless of whether low carbon fuels are produced within the Union or are imported. Information about the geographic origin and feedstock type of low carbon fuels or low carbon hydrogen per fuel supplier shall be made available to consumers on the websites of operators, suppliers or the relevant competent authorities and shall be updated on an annual basis.</p>	<p>4. The obligations laid down in paragraph 2 shall apply regardless of whether <b>low-carbon</b> fuels are produced within the Union or are imported. Information about the geographic origin, <b>recognition that the energy content is derived from non-renewable sources, the level of the GHG emissions reduction achieved</b> and feedstock type of <b>low-carbon</b> fuels or <b>low-carbon</b> hydrogen per fuel supplier shall be made available to consumers on the websites of operators, suppliers or the relevant competent authorities and shall be updated on an annual basis.</p>	<p>4. The obligations laid down in paragraph 2 shall apply regardless of whether low carbon fuels are produced within the Union or are imported. Information about the geographic origin and feedstock type of low carbon fuels or low carbon hydrogen per fuel supplier shall be made available to consumers on the websites of operators, suppliers or the relevant competent authorities and shall be updated on an annual basis.</p>	
Article 8(5)				

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

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

2021/0425(COD) 25-05-2023 at 21h02 230/281

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
301a		<p><b><i>5a. The Commission is empowered to adopt delegated acts in accordance with Article 83 to amend this Directive by adapting the threshold referred to in paragraph 5 of this Article for low-carbon fuels produced in installations starting operations from 1 January 2031. The Commission shall avoid the double counting of recycled carbon fuels.</i></b></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
301b		<p><i>5b. By ... [six months after the date of entry into force of this Directive], the Commission shall submit a report to the European Parliament and to the Council that evaluates hydrogen leakage, including environmental and climate risks, technical specificities and adequate maximum hydrogen leakage rates. On the basis of that report, the Commission shall, if appropriate, submit a legislative proposal to introduce measures to minimise possible risks of hydrogen leakage, set maximum hydrogen leakage rates and compliance mechanisms. Relevant maximum hydrogen leakage rates shall be included in the methodology referred to in paragraph 5.</i></p>		
Article 8(6)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
302	6. The Commission may decide that voluntary national or international schemes setting standards for the production of low carbon fuels or low carbon hydrogen provide accurate data on greenhouse gas emission savings for the purposes of this Article and demonstrate compliance with the methodology referred to in paragraph 5 of this Article.	6. The Commission may decide that voluntary national or international schemes setting standards for the production of <b>low-carbon</b> fuels or <b>low-carbon</b> hydrogen provide accurate data on greenhouse gas emission savings for the purposes of this Article and demonstrate compliance with the methodology referred to in paragraph 5 of this Article.	6. The Commission may decide that voluntary national or international schemes setting standards for the production of low carbon fuels or low carbon hydrogen provide accurate data on greenhouse gas emission savings for the purposes of this Article and demonstrate compliance with the methodology referred to in paragraph 5. <b>The Commission shall adopt decisions only if the scheme in question meets adequate standards of reliability, transparency and independent auditing in line with the requirements set out in Regulation (EU) 2022/996 for the certification of renewable fuels of this Article.</b>	
Article 8(7)				
303	7. Where an economic operator provides evidence or data obtained in accordance with a scheme that has been the subject of a recognition pursuant to paragraph 6, a Member State shall not require the economic operator to provide further evidence of compliance with the criteria for which the scheme has been recognised by the Commission.	7. Where an economic operator provides evidence or data obtained in accordance with a scheme that has been the subject of a recognition pursuant to paragraph 6, a Member State shall not require the economic operator to provide further evidence of compliance with the criteria for which the scheme has been recognised by the Commission.	7. Where an economic operator provides evidence or data obtained in accordance with a scheme that has been the subject of a recognition pursuant to paragraph 6, a Member State shall not require the economic operator to provide further evidence of compliance with the criteria for which the scheme has been recognised by the Commission.	
Article 8(8)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
304	<p>8. Competent authorities of the Member States shall supervise the operation of certification bodies that are conducting independent auditing under a voluntary scheme. Certification bodies shall submit, upon the request of competent authorities, all relevant information necessary to supervise the auditing, including the exact date, time and location of audits. Where Member States find issues of non-conformity, they shall inform the voluntary scheme without delay.</p>	<p>8. Competent authorities of the Member States shall supervise the operation of certification bodies that are conducting independent auditing under a voluntary scheme. Certification bodies shall submit, upon the request of competent authorities, all relevant information necessary to supervise the auditing, including the exact date, time and location of audits. Where Member States find issues of non-conformity, they shall inform the voluntary scheme without delay.</p>	<p>8. Competent authorities of the Member States shall supervise the operation of certification bodies that are conducting independent auditing under a voluntary scheme. Certification bodies shall submit, upon the request of competent authorities, all relevant information necessary to supervise the auditing, including the exact date, time and location of audits. Where Member States find issues of non-conformity, they shall inform the voluntary scheme without delay.</p>	
Article 8(9)				
305	<p>9. At the request of a Member State, which may be based on the request of an economic operator, the Commission shall, on the basis of all available evidence, examine whether the greenhouse gas emissions saving criteria laid down in this Article, the methodology developed in line with paragraph 5 of this Article, and the greenhouse gas emissions savings thresholds set in Article 2, points (9) and (10) have been met. Within six months of receipt of such a request, the Commission shall decide whether the Member State concerned may:</p>	<p>9. At the request of a Member State, which may be based on the request of an economic operator, the Commission shall, on the basis of all available evidence, examine whether the greenhouse gas emissions saving criteria laid down in this Article, the methodology developed in line with paragraph 5 of this Article, and the greenhouse gas emissions savings thresholds set in Article 2, points (9) and (10) have been met. Within six months of receipt of such a request, the Commission shall decide whether the Member State concerned may:</p>	<p>9. At the request of a Member State, which may be based on the request of an economic operator, the Commission shall, on the basis of all available evidence, examine whether the greenhouse gas emissions saving criteria laid down in this Article, the methodology developed in line with paragraph 5 of this Article, and the greenhouse gas emissions savings thresholds set in Article 2, points <del>(9)</del> <b>(10), (11)</b> and <del>(1012)</del>, have been met. Within six months of receipt of such a request, the Commission shall decide whether the Member State concerned may:</p>	
Article 8(9), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
306	(a) accept the evidence already provided to show compliance with the greenhouse gas emissions saving criteria for low carbon fuels; or	(a) accept the evidence already provided to show compliance with the greenhouse gas emissions saving criteria for <i>low-carbon</i> fuels; or	(a) accept the evidence already provided to show compliance with the greenhouse gas emissions saving criteria for low carbon fuels; or	
Article 8(9), point (b)				
307	(b) by way of derogation from paragraph 7, require suppliers of the source of low carbon fuels to provide further evidence of their compliance with the greenhouse gas emissions saving criteria and the 70% greenhouse gas emissions savings threshold.	(b) by way of derogation from paragraph 7, require suppliers of the source of <i>low-carbon</i> fuels to provide further evidence of their compliance with the greenhouse gas emissions saving criteria and the 70% greenhouse gas emissions savings threshold.	(b) by way of derogation from paragraph 7, require suppliers of the source of low carbon fuels to provide further evidence of their compliance with the greenhouse gas emissions saving criteria and the 70% greenhouse gas emissions savings threshold.	
Article 8(10)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
308	10. Member States shall also require the relevant economic operators to enter into the Union database information on the transactions made and the sustainability characteristics of low carbon fuels in line with the requirements established in Article 28 of Directive (EU) 2018/2001.	10. Member States shall require the relevant economic operators to enter into the Union database information on the transactions made and the sustainability characteristics of <i>low-carbon</i> in line with the requirements <i>laid down in Articles 28 and 31a</i> of Directive (EU) 2018/2001 <i>[amended RED]</i> . <i>The interconnected gas system shall be considered to be a single mass balance system. Information about injection and withdrawal shall be provided in the Union database for gaseous fuels. The Union database shall be implemented as soon as possible and in any event by ... [the date of entry into force of this Directive]</i> .	10. Member States shall also require the relevant economic operators to enter into the Union database, <b>or national databases that are linked to the Union database</b> , information on the transactions made and the sustainability characteristics of <b>renewable gases and low carbon fuels</b> in line with the requirements <b>for renewable fuels</b> established in [Article 28 of Directive (EU) 2018/2001]. <b>Where guarantees of origin have been issued for the production of a consignment of low carbon gases, these shall be subject to the same rules as those set out in [Article 28 of Directive (EU) 2018/2001] for guarantees of origin issued for the production of renewable gases.</b>	
308a			<b>11. The Commission shall adopt decisions under paragraph 6 of this Article by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 84(3). Such decisions shall be valid for a period of no more than five years.</b>	
Article 9				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
309	Article 9 Technical rules	Article 9 Technical rules	Article 9 Technical rules	
Article 9, first paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
310	<p>The regulatory authorities where Member States have so provided or Member States shall ensure that technical safety criteria are defined and that technical rules establishing the minimum technical design and operational requirements for the connection to the system of LNG facilities, storage facilities, other transmission or distribution systems, direct lines, as well as to the hydrogen system, are developed and made public. Those technical rules shall ensure the interoperability of systems and shall be objective and non-discriminatory. ACER may make appropriate recommendations towards achieving compatibility of those rules, where appropriate. Those rules shall be notified to the Commission in accordance with Article 5 of Directive (EU) 2015/1535 of the European Parliament and of the Council<sup>1</sup>.</p> <p><sup>1</sup>. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).</p>	<p>The regulatory authorities where Member States have so provided or Member States shall ensure that technical safety criteria are defined and that technical rules establishing the minimum technical design and operational requirements for the connection to the system of LNG facilities, storage facilities, other transmission or distribution systems, direct lines, as well as to the hydrogen system, are developed and made public. Those technical rules shall ensure the interoperability of systems and shall be objective and non-discriminatory. ACER may make appropriate recommendations towards achieving compatibility of those rules, where appropriate. Those rules shall be notified to the Commission in accordance with Article 5 of Directive (EU) 2015/1535 of the European Parliament and of the Council<sup>29</sup>.</p> <p><b>29. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).</b></p>	<p>The regulatory authorities, where Member States have so provided, or Member States shall ensure that technical safety criteria are defined and that technical rules establishing the minimum technical design and operational requirements for the connection to the system of LNG facilities, storage facilities, other transmission or distribution systems, direct lines, as well as to the hydrogen system, are developed and made public. Those technical rules shall ensure the interoperability of systems and shall be objective and non-discriminatory. ACER may make appropriate recommendations towards achieving compatibility of those rules, where appropriate. Those rules shall be notified to the Commission in accordance with Article 5 of Directive (EU) 2015/1535 of the European Parliament and of the Council<sup>1</sup>.</p> <p><sup>1</sup>. Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17.9.2015, p. 1).</p>	
Article 9, second paragraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
311	Where relevant, Member States shall require transmission system operators, distribution system operators and hydrogen network operators in their territory to publish technical rules in accordance with Article 9, in particular regarding network connection rules that include gas quality, gas odourisation and gas pressure requirements. Member States shall also require transmission and distribution system operators to publish the connection tariffs to connect gas from renewable sources based on objective, transparent and non-discriminatory criteria.	Where relevant, Member States shall require transmission system operators, distribution system operators and hydrogen network operators in their territory to publish technical rules in accordance with Article 9, in particular regarding network connection rules that include gas quality, gas odourisation and gas pressure requirements. Member States shall also require transmission and distribution system operators to publish the connection tariffs to connect gas from renewable sources based on objective, transparent and non-discriminatory criteria.	Where relevant, <b>the regulatory authorities, where Member States have so provided, or</b> Member States shall require transmission system operators, distribution system operators and hydrogen network operators in their territory to publish technical rules in accordance with Article 9, in particular regarding network connection rules that include gas quality, gas odourisation and gas pressure requirements. Member States shall also require transmission and distribution system operators to publish the connection tariffs to connect gas from renewable sources based on objective, transparent and non-discriminatory criteria.	
CHAPTER III				
312	CHAPTER III CONSUMER EMPOWERMENT AND PROTECTION AND RETAIL MARKETS	CHAPTER III CONSUMER EMPOWERMENT AND PROTECTION AND RETAIL MARKETS	CHAPTER III -CONSUMER EMPOWERMENT AND PROTECTION AND RETAIL MARKETS	
Article 10				
313	Article 10 Basic contractual rights	Article 10 Basic contractual rights	Article 10 Basic contractual rights	
Article 10(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
314	1. Member States shall ensure that all final customers are entitled to have gases provided by a supplier, subject to the supplier's agreement, regardless of the Member State in which the supplier is registered, provided that the supplier follows the applicable trading and balancing rules. In that regard, Member States shall take all measures necessary to ensure that administrative procedures do not discriminate against suppliers already registered in another Member State.	1. Member States shall ensure that all final customers are entitled to have <b>gas</b> provided by a supplier, subject to the supplier's agreement, regardless of the Member State in which the supplier is registered, provided that the supplier follows the applicable trading and balancing rules. In that regard, Member States shall take all measures necessary to ensure that administrative procedures do not discriminate against suppliers already registered in another Member State.	1. Member States shall ensure that all final customers are entitled to have gases provided by a supplier, subject to the supplier's agreement, regardless of the Member State in which the supplier is registered, provided that the supplier follows the applicable trading, <b>balancing and security of supply</b> and <del>balancing</del> rules <b>and requirements resulting from Article 7(2)</b> . In that regard, Member States shall take all measures necessary to ensure that administrative procedures do not discriminate against suppliers already registered in another Member State.	
Article 10(2)				
315	2. Without prejudice to Union rules on consumer protection, in particular Directive 2011/83/EU of the European Parliament and of the Council and Council Directive 93/13/EEC, Member States shall ensure that final customers have the rights provided for in paragraphs 3 to 12 of this Article.	2. Without prejudice to Union rules on consumer protection, in particular Directive 2011/83/EU of the European Parliament and of the Council and Council Directive 93/13/EEC, Member States shall ensure that final customers have the rights provided for in paragraphs 3 to 12 of this Article.	2. Without prejudice to Union rules on consumer protection, in particular Directive 2011/83/EU of the European Parliament and of the Council and Council Directive 93/13/EEC, Member States shall ensure that final customers have the rights provided for in paragraphs 3 to <del>11</del> <b>11</b> of this Article.	
Article 10(3), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
316	3. Final customers shall have the right to a contract with their supplier that specifies:	3. Final customers shall have the right to a contract with their supplier that specifies:	3. Final customers shall have the right to a contract with their supplier that specifies:	
Article 10(3), first subparagraph, point (a)				
317	(a) the identity and address of the supplier;	(a) the identity, <b>address and contact details (phone number, email address and its customer service's contact details)</b> of the supplier;	(a) the identity and address of the supplier;	
Article 10(3), first subparagraph, point (b)				
318	(b) the services provided, the service quality levels offered, as well as the time for the initial connection;	(b) the services provided, the service quality levels offered, as well as the time for the initial connection;	(b) the services provided, the service quality levels offered, as well as the time for the initial connection;	
Article 10(3), first subparagraph, point (c)				
319	(c) the types of maintenance service offered;	(c) the types of maintenance service offered;	(c) the types of maintenance service offered;	
Article 10(3), first subparagraph, point (d)				
320	(d) the means by which up-to-date information on all applicable tariffs, maintenance charges and bundled products or services may be obtained;	(d) the means by which up-to-date information on all applicable tariffs, maintenance charges and bundled products or services may be obtained;	(d) the means by which up-to-date information on all applicable tariffs, maintenance charges and bundled products or services may be obtained;	
Article 10(3), first subparagraph, point (e)				

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

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
325	Conditions shall be fair and well known in advance. In any case, the information shall be provided prior to the conclusion or confirmation of the contract. Where contracts are concluded through intermediaries, the information referred to points (a) to (f) shall also be provided prior to the conclusion of the contract.	<b>The contractual</b> conditions shall be fair and well known in advance. In any case, the information shall be provided <b>in consumer friendly, clear and unambiguous language</b> , prior to the conclusion or confirmation of the contract. Where contracts are concluded through intermediaries, the information referred to points (a) to (f) shall also be provided prior to the conclusion of the contract.	Conditions shall be fair and well known in advance. In any case, the information shall be provided prior to the conclusion or confirmation of the contract. Where contracts are concluded through intermediaries, the information referred to points (a) to (f) <b>relating to the matters set out in this paragraph</b> shall also be provided prior to the conclusion of the contract.	
Article 10(3), third subparagraph				
326	Final customers shall be provided with a summary of the key contractual conditions in a prominent manner and in concise and simple language.	Final customers shall be provided with a summary of the key contractual conditions in a prominent manner <b>in a single document</b> and in concise and simple language. <b>Member States shall ensure, through their regulatory authorities, the use of common terminology agreed at national level.</b>	Final customers shall be provided with a summary of the key contractual conditions in a prominent manner and in concise and simple language. <b>The Commission shall provide non-binding guidance in this regard.</b>	
Article 10(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
327	<p>4. Final customers shall be given adequate notice of any intention to modify contractual conditions and shall be informed about their right to terminate the contract when the notice is given. Suppliers shall notify their final customer directly and in a transparent and comprehensible manner, of any adjustment in the supply price and of the reasons and preconditions for the adjustment and its scope, no later than two weeks, or no later than one month in the case of household customers, before the adjustment comes into effect. Member States shall ensure that final customers are free to terminate contracts if they do not accept the new contractual conditions or adjustments in the supply price notified to them by their supplier.</p>	<p>4. Final customers shall be given adequate notice of any intention to modify contractual conditions and shall be informed about their right to terminate the contract when the notice is given. Suppliers shall notify their final customer directly and in a transparent and comprehensible manner, of any adjustment in the supply price and of the reasons and preconditions for the adjustment and its scope, no later than two weeks, or no later than one month in the case of household customers, before the adjustment comes into effect. Member States shall ensure that final customers are free to terminate contracts if they do not accept the new contractual conditions or adjustments in the supply price notified to them by their supplier.</p>	<p>4. Final customers shall be given adequate notice of any intention to modify contractual conditions and shall be informed about their right to terminate the contract when the notice is given. Suppliers shall notify their final customer directly and in a transparent and comprehensible manner, of any adjustment in the supply price and of the reasons and preconditions for the adjustment and its scope, no later than two weeks, or no later than one month in the case of household customers, before the adjustment comes into effect. Member States shall ensure that final customers are free to terminate contracts if they do not accept the new contractual conditions or adjustments in the supply price notified to them by their supplier.</p>	
Article 10(5)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
328	5. Suppliers shall provide final customers with transparent information on applicable prices and tariffs and on standard terms and conditions, in respect of access to and use of gases services.	5. Suppliers shall provide final customers with transparent information on applicable prices, tariffs, standard terms and conditions, in respect of access to and use of <b>gas services, in particular whether the price is fixed or variable and, if relevant, on possible promotions or discounts, and additional products and/or services bundled with the gas services.</b>	5. Suppliers shall provide final customers with transparent information on applicable prices and tariffs and on standard terms and conditions, in respect of access to and use of gases services.	
328a		<b>5a. Member States, through their regulatory authorities, shall ensure that key contractual information is identified and highlighted within the offers provided by the suppliers to the costumers and shall monitor and report on transparency of market offers.</b>		
Article 10(6)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
329	<p>6. Suppliers shall offer final customers a wide choice of payment methods. Such payment methods shall not unduly discriminate between customers. Any difference in charges related to payment methods or prepayment systems shall be objective, non-discriminatory and proportionate and shall not exceed the direct costs borne by the payee for the use of a specific payment method or a prepayment system, in accordance with Article 62 of Directive (EU) 2015/2366 of the European Parliament and of the Council<sup>1</sup>.</p> <p><sup>1</sup> Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015).</p>	<p>6. Suppliers shall offer final customers a wide choice of payment methods. Such payment methods shall not discriminate between customers. Any difference in charges related to payment methods or prepayment systems shall be objective, non-discriminatory and proportionate and shall not exceed the direct costs borne by the payee for the use of a specific payment method or a prepayment system, in accordance with Article 62 of Directive (EU) 2015/2366 of the European Parliament and of the Council<sup>30</sup>.</p> <p><b>30. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015).</b></p>	<p>6. Suppliers shall offer final customers a wide choice of payment methods. Such payment methods shall not unduly discriminate between customers. Any difference in charges related to payment methods or prepayment systems shall be objective, non-discriminatory and proportionate and shall not exceed the direct costs borne by the payee for the use of a specific payment method or a prepayment system, in accordance with Article 62 of Directive (EU) 2015/2366 of the European Parliament and of the Council<sup>1</sup>.</p> <p><sup>1</sup> Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015).</p>	
Article 10(7)				
330	<p>7. Household customers who have access to prepayment systems shall not be placed at a disadvantage by the prepayment systems.</p>	<p>7. Household customers who have access to prepayment systems shall not be placed at a disadvantage by the prepayment systems.</p>	<p>7. Household customers who have access to prepayment systems shall not be placed at a disadvantage by the prepayment systems.</p>	
Article 10(8)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
331	8. Suppliers shall offer final customers fair and transparent general terms and conditions, which shall be provided in plain and unambiguous language and shall not include non-contractual barriers to the exercise of customers' rights, such as excessive contractual documentation. Customers shall be protected against unfair or misleading selling methods.	8. Suppliers shall offer final customers fair and transparent general terms and conditions, which shall be provided in plain and unambiguous language and shall not include non-contractual barriers to the exercise of customers' rights, such as excessive contractual documentation. Customers shall be protected against unfair or misleading selling methods.	8. Suppliers shall offer final customers fair and transparent general terms and conditions, which shall be provided in plain and unambiguous language and shall not include non-contractual barriers to the exercise of customers' rights, such as excessive contractual documentation. Customers shall be protected against unfair or misleading selling methods.	
Article 10(9)				
332	9. Final customers shall have the right to a good standard of service and complaint handling by their suppliers. Suppliers shall handle complaints in a simple, fair and prompt manner.	9. Final customers shall have the right to a good standard of service and complaint handling by their suppliers. Suppliers shall handle complaints in a simple, fair and prompt manner.	9. Final customers shall have the right to a good standard of service and complaint handling by their suppliers. Suppliers shall handle complaints in a simple, fair and prompt manner.	
Article 10(10)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
333	10. Suppliers shall provide natural gas household customers with adequate information on alternative measures to disconnection sufficiently in advance of any planned disconnection. Such alternative measures may include information about sources of support to avoid disconnection, prepayment systems, energy audits, energy consultancy services, alternative payment plans, debt management advice or disconnection moratoria and shall not entail an extra cost to the customers facing disconnection.	<b>9a.</b> Suppliers shall provide natural gas household customers with adequate information on alternative measures to disconnection sufficiently in advance of any planned disconnection. Such alternative measures <b>shall</b> include information about sources of support to avoid disconnection, prepayment systems, energy audits, energy consultancy services, alternative payment plans, debt management advice or disconnection moratoria and shall not entail an extra cost to the customers facing disconnection.	10. Suppliers shall provide natural gas household customers with adequate information on alternative measures to <b>avoid</b> disconnection sufficiently in advance of any planned disconnection. Such alternative measures may include information about sources of support to avoid disconnection, prepayment systems, energy audits, energy consultancy services, alternative payment plans, debt management advice or disconnection moratoria and shall not entail an extra cost to the customers facing disconnection.	
333a		<b><i>Member States shall prohibit disconnections in the case of vulnerable household customers and customers affected by or at risk of energy poverty who use natural gas for heating during the winter. Member States may extend that prohibition to non-household customers.</i></b>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
333b		<i>Member States shall ensure that disconnections are prohibited during ongoing judicial or out-of-court disputes between the supplier and customers for a period of eight weeks.</i>		
Article 10(11)				
334	11. Suppliers shall provide final customers with a final closure account after any switch of supplier no later than six weeks after such a switch has taken place.	11. Suppliers shall provide final customers with a final closure account after any switch of supplier no later than six weeks after such a switch has taken place.	11. Suppliers shall provide final customers with a final closure account after any switch of supplier no later than six weeks after such a switch has taken place.	
Article 11				
335	Article 11 Right to switch and rules on switching-related fees	Article 11 Right to switch and rules on switching-related fees	Article 11 Right to switch and rules on switching-related fees	
Article 11(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
336	1. Customers shall have the right to switch gases suppliers or market participants. Member States shall ensure that a customer wishing to switch suppliers or market participants, while respecting contractual conditions, is entitled to such a switch within a maximum of three weeks from the date of the request. By 2026 at the latest, the technical process of switching supplier or market participant shall take no longer than 24 hours and shall be possible on any working day.	1. Customers shall have the right to switch <b>gas</b> suppliers or market participants. Member States shall ensure that a customer wishing to switch suppliers or market participants, while respecting contractual conditions, is entitled to such a switch within <b>the shortest possible time, and in any case not later than</b> three weeks <b>after</b> the date of the request. By 2026 at the latest, the technical process of switching supplier or market participant shall take no longer than 24 hours and shall be possible on any working day.	1. Customers shall have the right to switch gases suppliers or market <del>participants</del> <b>participant</b> . Member States shall ensure that a customer wishing to switch suppliers or market participants, while respecting contractual conditions, is entitled to such a switch within a maximum of three weeks from the date of the request. By <b>1 January</b> 2026 at the latest, the technical process of switching supplier or market participant shall take no longer than 24 hours and shall be possible on any working day.	
Article 11(2)				
337	2. Member States shall ensure that the right to switch supplier or market participant is granted to customers in a non-discriminatory manner as regards cost, effort and time.	2. Member States shall ensure that the right to switch supplier or market participant is granted to <b>all</b> customers in a non-discriminatory manner as regards cost, effort and time.	2. Member States shall ensure that the right to switch supplier or market participant is granted to customers in a non-discriminatory manner as regards cost, effort and time.	
Article 11(3), first subparagraph				

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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
341	Such fees shall be proportionate and shall not exceed the direct economic loss to the supplier or the market participant resulting from the customer's termination of the contract, including the costs of any bundled investments or services that have already been provided to the customer as part of the contract. The burden of proving the direct economic loss shall be on the supplier or market participant. The permissibility of contract termination fees shall be monitored by the regulatory authority, or by another competent national authority.	Such fees shall be proportionate and shall not exceed the direct economic loss to the supplier or the market participant resulting from the customer's termination of the contract, including the costs of any bundled investments or services that have already been provided to the customer as part of the contract. The burden of proving the direct economic loss shall be on the supplier or market participant. The permissibility of contract termination fees shall be monitored by the regulatory authority, or by another competent national authority.	Such fees shall be proportionate and shall not exceed the direct economic loss to the supplier or the market participant resulting from the customer's termination of the contract, including the costs of any bundled investments or services that have already been provided to the customer as part of the contract. <del>The permissibility of contract termination fees shall be monitored by the regulatory authority, or by another competent national authority.</del> <b>In case of bundled investments or services that have already been provided to the customer as part of the offers, customers shall be able to terminate individual services of a contract.</b> The burden of proving the direct economic loss shall be on the supplier or market participant. The permissibility of contract termination fees shall be monitored by the regulatory authority, or by another competent national authority.	
Article 11(4)				
342	4. Household customers for gases shall be entitled to participate in collective switching schemes. Member States shall remove all regulatory or administrative barriers for collective switching, and provide a framework that ensures the consumer protection to avoid any abusive practices.	4. Household customers for <b>gas</b> shall be entitled to participate in collective switching schemes. Member States shall remove all regulatory or administrative barriers for collective switching, and provide a framework that ensures the consumer protection to avoid any abusive practices.	4. Household customers for gases shall be entitled to participate in collective switching schemes. Member States shall remove all regulatory or administrative barriers for collective switching, and provide a framework that ensures the consumer protection to avoid any abusive practices.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
342a		<i>4a. Member States shall ensure that user-friendly information is provided to citizens in relation to the rules and process for switching suppliers in their Member State together with any relevant information about the switching as appropriate, including through the single points of contact referred to in Article 23</i>		
Article 11(5)				
342b			<b>5. Member States shall ensure that customers are granted the right to terminate their gas supply contracts at short notice.</b>	
342c			<b>Article 11a Consumer rights and protection in relation to the phasing out of natural gas</b>	
342d			<b>1. Where the disconnection of network users pursuant to Article 34(4) is allowed, Member States shall ensure that:</b>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
342e			(a) the affected network users and other relevant stakeholders, notably consumer organisations, have been consulted;	
342f			(b) network users and relevant stakeholders are informed sufficiently in advance of the planned date and subsequent steps for disconnection;	
342g			(c) final customers have access to information and appropriate advice on sustainable heating options through the one stop shop procedure established in accordance with Article 21 of the of Directive (EU) .../... [recast EED];	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
342h			(d) when planning and carrying out the phase out of natural gas, specific needs of vulnerable customers or customers affected by energy poverty are duly taken into account.	
342i		<i>Article 11a Fuel switch</i>		
342j		<i>1. Where final customers are required to switch from heating with natural gas to alternative heat sources or district heating, including upon a decision stemming from a Member State, on the basis of the local heating and cooling plans prepared pursuant to Article 52a or the distribution network development plans referred to in Article 52b, Member States shall ensure that final customers that are directly concerned by that decision are fully informed by the distribution system operators and suppliers of those fuel switches sufficiently in advance of any planned switch.</i>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
342k		<i>2. Member States shall ensure that final customers are fully informed about mandatory switches from non-gaseous fossil fuels by the relevant organisation or authority.</i>		
342l		<i>3. Member States shall, assisted by the relevant operators and suppliers, provide final customers with a roadmap for the switch from heating with natural gas to alternative heat sources or district heating, including the procedure how this will be done, what steps are planned, and the relevant timeline.</i>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
342m		<p><b><i>4. Member States shall ensure that final customers receive information on options to prepare or adapt their homes, commercial or industrial properties and processes and on advisory assistance, financial support and any assistance available to manage the changes and costs associated with the planned fuel switch or a district heating connection. That information should be delivered by single points of contact as established under Article 21 of Directive (EU) .../...<sup>+</sup>, Article 26 of Directive (EU) .../... of the European Parliament and of the Council<sup>++31</sup> and Article [x] of Directive (EU) 2018/2001 [amended RED].</i></b></p> <p><small><sup>+</sup> OJ: Please insert in the text the number of the Directive contained in document PE-CONS .../... (2021/0203(COD)).</small></p> <p><small><sup>++</sup> OJ: Please insert in the text the number of the Directive contained in document PE-CONS .../... (2021/0426(COD)) and insert the number, date, title and OJ reference of that Directive in the footnote.</small></p> <p><small>31. Directive (EU) .../... of the European Parliament and of the Council of ... on the energy performance of buildings (OJ L ...).</small></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
342n		<b><i>5. Discrimination and cross-subsidisation between different categories of customers and between energy carriers shall be avoided when carrying out a fuel switch or a district heating connection.</i></b>		
342o		<b><i>6. Member States shall ensure that measures are put in place to mitigate and resolve any inequities resulting from policies aiming to achieve an energy efficient and climate neutral energy system.</i></b>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
342p		<p><i>7. Member States shall take all measures necessary to ensure that fuel switches or district heating connections implemented pursuant to this Article have no adverse effect on final customers, vulnerable customers, customers affected by or at risk of energy poverty and people who live in social housing. Where applicable, Member States shall make the best possible use of funding, including public funding and funding facilities established at Union level, with the aim of removing adverse effects and ensuring a just and inclusive energy transition.</i></p>		
Article 12				
343	Article 12 Comparison tools	Article 12 Comparison tools	Article 12 Comparison tools <b>for natural gas</b>	
Article 12(1), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
344	1. Member States shall ensure that at least natural gas household customers, and microenterprises, have access, free of charge, to at least one tool comparing the offers of suppliers, including bundled offers. Customers shall be informed of the availability of such tools in or together with their bills or by other means. The tools shall meet at least the following requirements:	1. Member States shall ensure that at least natural gas household customers, <i>small enterprises</i> and microenterprises, have access, free of charge, to at least one tool comparing the offers of suppliers, including bundled offers. Customers shall be informed of the availability of such tools in or together with their bills or by other means. The tools shall meet at least the following requirements:	1. Member States shall ensure that at least natural gas household customers, and microenterprises, <b>with an expected yearly consumption of below 100 000 kWh</b> have access, free of charge, to at least one tool comparing the offers of suppliers, including bundled offers. Customers shall be informed of the availability of such tools in or together with their bills or by other means. The tools shall meet at least the following requirements:	
Article 12(1), first subparagraph, point (a)				
345	(a) they shall be independent from market participants and ensure that natural gas undertakings are given equal treatment in search results;	(a) they shall be independent from market participants and ensure that natural gas undertakings are given equal treatment in search results;	(a) they shall be independent from market participants and ensure that natural gas undertakings are given equal treatment in search results;	
Article 12(1), first subparagraph, point (b)				
346	(b) they shall clearly disclose their owners and the natural or legal person operating and controlling the tools, as well as information on how the tools are financed;	(b) they shall clearly disclose their owners and the natural or legal person operating and controlling the tools, as well as information on how the tools are financed;	(b) they shall clearly disclose their owners and the natural or legal person operating and controlling the tools, as well as information on how the tools are financed;	
Article 12(1), first subparagraph, point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
347	(c) they shall set out clear and objective criteria on which the comparison is to be based, including services, and disclose them;	(c) they shall set out clear and objective criteria on which the comparison is to be based, including services, and disclose them;	(c) they shall set out clear and objective criteria on which the comparison is to be based, including services, and disclose them;	
Article 12(1), first subparagraph, point (d)				
348	(d) they shall use plain and unambiguous language;	(d) they shall use plain and unambiguous language;	(d) they shall use plain and unambiguous language;	
Article 12(1), first subparagraph, point (e)				
349	(e) they shall provide accurate and up-to-date information and state the time of the last update on the information;	(e) they shall provide accurate and up-to-date information and state the time of the last update on the information;	(e) they shall provide accurate and up-to-date information and state the time of the last update on the information;	
Article 12(1), first subparagraph, point (f)				
350	(f) they shall be accessible to persons with disabilities, by being perceivable, operable, understandable and robust;	(f) they shall be accessible to persons with disabilities, by being perceivable, operable, understandable and robust;	(f) they shall be accessible to persons with disabilities, by being perceivable, operable, understandable and robust;	
Article 12(1), first subparagraph, point (g)				
351	(g) they shall provide an effective procedure for reporting incorrect information on published offers;	(g) they shall provide an effective procedure for reporting incorrect information on published offers;	(g) they shall provide an effective procedure for reporting incorrect information on published offers;	
Article 12(1), first subparagraph, point (h)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
352	(h) they shall perform comparisons, while limiting the personal data requested to that strictly necessary for the comparison.	(h) they shall perform comparisons, while limiting the personal data requested to that strictly necessary for the comparison. █	(h) they shall perform comparisons, while limiting the personal data requested to that strictly necessary for the comparison.-	
Article 12(1), second subparagraph				
353	Member States shall ensure that at least one tool covers the entire natural gas market. Where multiple tools cover the market, those tools shall include, as complete as practicable, a range of gas offers covering a significant part of the market and, where those tools do not completely cover the market, a clear statement to that effect, before displaying results.	Member States shall ensure that at least one tool covers the entire █ gas market. Where multiple tools cover the market, those tools shall include, as complete as practicable, a range of gas offers covering a significant part of the market and, where those tools do not completely cover the market, a clear statement to that effect, before displaying results.	Member States shall ensure that at least one tool covers the entire natural gas market. Where multiple tools cover the market, those tools shall include, as complete as practicable, a range of gas offers covering a significant part of the market and, where those tools do not completely cover the market, a clear statement to that effect, before displaying results.	
Article 12(2)				
354	2. The tools may be operated by any entity, including private companies and public authorities or bodies.	2. The tools may be operated by any entity, including private companies and public authorities or bodies.	2. The tools may be operated by any entity, including private companies and public authorities or bodies.	
Article 12(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
355	3. Member States may require comparison tools referred to in paragraph 1 to include comparative criteria relating to the nature of the services offered by the suppliers.	<b>2a.</b> Member States <i>shall</i> require comparison tools referred to in paragraph 1 to include comparative criteria relating to the nature of the services offered by the suppliers, <b><i>including on whether the price is fixed or variable, the contract length, the single unit price, including all charges and taxes, and discounts, in order to allow final customers to identify the cheapest offer, and in case the environmental impact is promoted as an essential feature of the offer, a description of that environmental impact.</i></b>	3. Member States may require comparison tools referred to in paragraph 1 to include comparative criteria relating to the nature of the services offered by the suppliers.	
355a		<b><i>When establishing those criteria, Member States shall consult relevant stakeholders, including organisations representing consumer's interests.</i></b>		
Article 12(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
356	4. Member States shall appoint a competent authority to be responsible for issuing trust marks for comparison tools that meet the requirements set out in paragraph 1, and for ensuring that comparison tools bearing a trust mark continue to meet those requirements. That authority shall be independent of any market participants and comparison tool operators.	4. Member States shall appoint a competent authority to be responsible for issuing trust marks for comparison tools that meet the requirements set out in paragraph 1, and for ensuring that comparison tools bearing a trust mark continue to meet those requirements. <b><i>To enable the competent authorities to issue trust marks, suppliers and relevant intermediaries shall provide them with all available current and past offers. In particular, competent authorities shall carry out regular reviews of price comparison tools bearing a trust mark to ensure that the requirements of paragraphs 1 and 3 continue to be met. That competent authority shall be independent of any market participants and comparison tool operators.</i></b>	4. Member States shall appoint a competent authority to be responsible for issuing trust marks for comparison tools that meet the requirements set out in paragraph 1, and for ensuring that comparison tools bearing a trust mark continue to meet those requirements. That authority shall be independent of any market participants and comparison tool operators.	
Article 12(5)				
357	5. Any tool comparing the offers of market participants shall be eligible to apply for a trust mark in accordance with this Article on a voluntary and non-discriminatory basis.	5. Any tool comparing the offers of market participants shall be eligible to apply for a trust mark in accordance with this Article on a voluntary and non-discriminatory basis.	5. Any tool comparing the offers of market participants shall be eligible to apply for a trust mark in accordance with this Article on a voluntary and non-discriminatory basis.	
Article 12(6)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
358	6. By way of derogation from paragraphs 4 and 5, Member States may choose not to provide for the issuance of trust marks to comparison tools if a public authority or body provides a comparison tool that meets the requirements set out in paragraph 1.	6. By way of derogation from paragraphs 4 and 5, Member States may choose not to provide for the issuance of trust marks to comparison tools if a public authority or body provides a comparison tool that meets the requirements set out in paragraph 1.	6. By way of derogation from paragraphs 4 and 5, Member States may choose not to provide for the issuance of trust marks to comparison tools if a public authority or body provides a comparison tool that meets the requirements set out in paragraph 1.	
Article 13				
359	Article 13 Active customers	Article 13 Active customers	Article 13 Active customers <b>on the natural gas market</b>	
Article 13(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
360	1. Member States shall ensure that final customers are entitled to act as active customers without being subject to disproportionate or discriminatory technical requirements, administrative requirements, procedures and charges, and to network charges that are not cost-reflective.	1. Member States shall ensure that final customers, <b><i>in particular from the agricultural or public sector, while maintaining their rights as final customers as established in this Directive</i></b> , are entitled to act as active customers without being subject to disproportionate or discriminatory technical requirements, administrative requirements, procedures and charges, and to network charges that are not cost-reflective. <b><i>Member States shall ensure that active customers comply with applicable sustainability and greenhouse gas emissions savings criteria under Article 29 of Directive (EU) 2018/2001 [amended RED] and the relevant provisions on methane emissions in Regulation (EU) .../...<sup>+</sup>.</i></b>  <b><i>+ OJ: Please insert in the text the number of the Regulation contained in document PE-CONS .../... (2021/0423(COD)).</i></b>	1. Member States shall ensure that final customers are entitled to act as active customers without being subject to disproportionate or discriminatory technical requirements, administrative requirements, procedures and charges, and to network charges that are not cost-reflective.	
Article 13(2)				
361	2. Member States shall ensure that active customers are:	2. Member States shall ensure that active customers are:	2. Member States shall ensure that active customers are:	
Article 13(2), point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
362	(a) entitled to operate directly;	(a) entitled to operate directly;	(a) entitled to operate directly;	
Article 13(2), point (b)				
363	(b) entitled to sell self-produced renewable natural gases using the natural gas system;	(b) entitled to sell self-produced renewable natural <b>gas</b> using the natural gas system;	(b) entitled to sell self-produced renewable natural gases using the natural gas system;	
Article 13(2), point (c)				
364	(c) entitled to participate in energy efficiency schemes;	(c) entitled to participate in energy efficiency schemes;	(c) entitled to participate in energy efficiency <b>and demand shifting</b> schemes;	
Article 13(2), point (d)				
365	(d) entitled to delegate to a third party the management of the installations required for their activities, including installation, operation, data handling and maintenance, without that third party being considered to be an active customer;	(d) entitled to delegate to a third party the management of the installations required for their activities, including installation, operation, data handling and maintenance, without that third party being considered to be an active customer;	(d) entitled to delegate to a third party the management of the installations required for their activities, including installation, operation, data handling and maintenance, without that third party being considered to be an active customer;	
Article 13(2), point (e)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
366	(e) subject to cost-reflective, transparent and non-discriminatory network charges, ensuring that they contribute in an adequate and balanced way to the overall cost sharing of the system;	(e) subject to cost-reflective, transparent and non-discriminatory network charges, ensuring that they contribute in an adequate and balanced way to the overall cost sharing of the system;	(e) subject to cost-reflective, transparent and non-discriminatory network charges, ensuring that they contribute in an adequate and balanced way to the overall cost sharing of the system;	
Article 13(2), point (f)				
367	(f) are financially responsible for the imbalances they cause in the natural gas system or shall delegate their balancing responsibility in accordance with Article 3 (e) of [recast Gas Regulation as proposed in COM(2021) xxx].	(f) are financially responsible for the imbalances they cause in the natural gas system or shall delegate their balancing responsibility in accordance with Article 3 (e) of [recast Gas Regulation as proposed in COM(2021) xxx].	(f) are financially responsible for the imbalances they cause in the natural gas system or shall delegate their balancing responsibility in accordance with Article 3 (e) of [Recast Gas Regulation as proposed in COM(2021)- <del>xxx</del> 804].	
Article 13(3)				
368	3. Member States may have different provisions applicable to individual and jointly-acting active customers in their national law, provided that all rights and obligations under this Article apply to all active customers. Any difference in the treatment of jointly-acting active customers shall be proportionate and duly justified.	3. Member States may have different provisions applicable to individual and jointly-acting active customers in their national law, provided that all rights and obligations under this Article apply to all active customers. Any difference in the treatment of jointly-acting active customers shall be proportionate and duly justified.	3. Member States may have different provisions applicable to individual and jointly-acting active customers in their national law, provided that all rights and obligations under this Article apply to all active customers. Any difference in the treatment of jointly-acting active customers shall be proportionate and duly justified.	
Article 13(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
369	4. Member States shall ensure that active customers that own facilities that store renewable gas:	4. Member States shall ensure that <b>renewable natural gas</b> active customers that own facilities that <b>produce or</b> store renewable gas:	4. Member States shall ensure that active customers that own facilities that store renewable gas:	
Article 13(4), point (a)				
370	(a) have the right to a grid connection within a reasonable time after they made a request to that effect, provided that all necessary conditions, such as balancing responsibility, are fulfilled;	(a) have the right to a grid connection within a reasonable time after they made a request to that effect, provided that all necessary conditions, such as balancing responsibility, are fulfilled;	(a) have the right to a grid connection within a reasonable time after they made a request to that effect, provided that all necessary conditions, such as balancing responsibility, are fulfilled;	
Article 13(4), point (b)				
371	(b) are not subject to any double charges, including network charges, for stored renewable gas remaining within their premises;	(b) are not subject to any double charges, including network charges, for stored renewable gas remaining within their premises;	(b) are not subject to any double charges, including network charges, for stored renewable gas remaining within their premises;	
Article 13(4), point (c)				
372	(c) are not subject to disproportionate licensing requirements or fees;	(c) are not subject to disproportionate licensing requirements or fees;	(c) are not subject to disproportionate licensing requirements or fees;	
Article 13(4), point (d)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
373	(d) are allowed to provide several services simultaneously, if technically feasible.	(d) are allowed to provide several services simultaneously, if technically feasible.	(d) are allowed to provide several services simultaneously, if technically feasible.	
Article 14				
374	Article 14 Citizen energy communities	<i>deleted</i>	Article 14 Citizen energy communities <b>on the natural gas market</b>	
Article 14(1)				
375	1. Member States shall provide an enabling regulatory framework for citizen energy communities ensuring that:	<i>deleted</i>	-1. Member States <del>shall</del> <b>may</b> provide an enabling regulatory framework for citizen energy communities <del>ensuring that</del> .	
375a			<b>2. Where Member States provide an enabling framework as referred to in paragraph 1, they shall ensure that:</b>	
Article 14(1), point (a)				
376	(a) participation in a citizen energy community is open and voluntary;	<i>deleted</i>	(a) participation in a citizen energy community is open and voluntary;	
Article 14(1), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
377	(b) members or shareholders of a citizen energy community are entitled to leave the community, in which case Article 11 applies;	<i>deleted</i>	(b) members or shareholders of a citizen energy community are entitled to leave the community, in which case Article 11 applies;	
Article 14(1), point (c)				
378	(c) members or shareholders of a citizen energy community do not lose their rights and obligations as household customers or active customers;	<i>deleted</i>	(c) members or shareholders of a citizen energy community do not lose their rights and obligations as household customers or active customers;	
Article 14(1), point (d)				
379	(d) subject to fair compensation as assessed by the regulatory authority, relevant distribution system operators cooperate with citizen energy communities to facilitate transfers of renewable natural gases within citizen energy communities;	<i>deleted</i>	(d) subject to fair compensation as assessed by the regulatory authority, relevant distribution system operators cooperate with citizen energy communities to facilitate transfers of renewable <del>natural</del> gases within citizen energy communities;	
Article 14(1), point (e)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
380	(e) citizen energy communities are subject to non-discriminatory, fair, proportionate and transparent procedures and charges, including with respect to grid connection, registration and licensing, and to transparent, non-discriminatory and cost-reflective network charges, ensuring that they contribute in an adequate and balanced way to the overall cost sharing of the natural gas system.	<i>deleted</i>	(e) citizen energy communities are subject to non-discriminatory, fair, proportionate and transparent procedures and charges, including with respect to grid connection, registration and licensing, and to transparent, non-discriminatory and cost-reflective network charges, ensuring that they contribute in an adequate and balanced way to the overall cost sharing of the natural gas system.	
Article 14(2)				
381	2. Member States may provide in the enabling regulatory framework that citizen energy communities:	<i>deleted</i>	<b>23. Where Member States provide an enabling framework as referred to in paragraph 1, they may provide in that enabling regulatory framework that citizens energy communities:</b>	
Article 14(2), point (a)				
382	(a) are open to cross-border participation;	<i>deleted</i>	(a) are open to cross-border participation;	
Article 14(2), point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
383	(b) are entitled to own, establish, purchase or lease distribution networks and to autonomously manage them subject to conditions set out in paragraph 4 of this Article;	<i>deleted</i>	(b) are entitled to own, establish, purchase or lease distribution networks and to autonomously manage them subject to conditions set out in paragraph 4 of this Article;	
Article 14(2), point (c)				
384	(c) are subject to the exemptions provided for in Article 28(2).	<i>deleted</i>	(c) are subject to the exemptions provided for in Article 28(2).	
Article 14(3), first subparagraph				
385	3. Member States shall ensure that citizen energy communities:	<i>deleted</i>	<b>34. Where Member States provide an enabling framework as referred to in paragraph 1, they shall ensure that citizen energy communities:</b>	
Article 14(3), first subparagraph, point (a)				
386	(a) are able to access all natural gas markets in a non-discriminatory manner;	<i>deleted</i>	(a) are able to access all natural gas markets in a non-discriminatory manner;	
Article 14(3), first subparagraph, point (b)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
387	(b) are treated in a non-discriminatory and proportionate manner with regard to their activities, rights and obligations as final customers, producers, suppliers or distribution system operators or market participants;	<i>deleted</i>	(b) are treated in a non-discriminatory and proportionate manner with regard to their activities, rights and obligations as final customers, producers, suppliers or distribution system operators or market participants;	
Article 14(3), first subparagraph, point (c)				
388	(c) are financially responsible for the imbalances they cause in the natural gas system or shall delegate their balancing responsibility in line with Article 3 (e) of [recast Gas Regulation as proposed in COM(2021) xxx];	<i>deleted</i>	(c) are financially responsible for the imbalances they cause in the natural gas system or shall delegate their balancing responsibility in line with Article 3 (e) of [recast Gas Regulation as proposed in COM(2021)- <del>xxx</del> 804];	
Article 14(3), first subparagraph, point (d)				
389	(d) are treated like active customers in accordance with point (e) of paragraph 2 and points (a), (c) and (d) of Paragraph 4 of Article 13;	<i>deleted</i>	(d) are treated like active customers in accordance with point (e) of paragraph 2 and points (a), (c) and (d), of Paragraph 4 of Article 13;	
Article 14(3), first subparagraph, point (e)				

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

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

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

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

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

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
397e			<b>(d) At least 15% of voting rights are allocated to household customers that are independent from other members or shareholders, such as small enterprises and local authorities.</b>	
Article 15				
398	Article 15 Bills and billing information	Article 15 Bills and billing information	Article 15 Bills and billing information	
Article 15(1)				
399	1. Member States shall ensure that bills and billing information are accurate, easy to understand, clear, concise, user-friendly and presented in a manner that facilitates comparison by final customers and that they fulfil the minimum requirements set out in Annex I. On request, final customers shall receive a clear and understandable explanation of how their bill was derived, especially where bills are not based on actual consumption.	1. Member States shall ensure that bills and billing information are accurate, easy to understand, clear, concise, user-friendly and presented in a manner that facilitates comparison by final customers and that they fulfil the minimum requirements set out in Annex I. On request, final customers shall receive a clear and understandable explanation of how their bill was derived, especially where bills are not based on actual consumption.	1. Member States shall ensure that bills and billing information are accurate, easy to understand, clear, concise, user-friendly and presented in a manner that facilitates comparison by final customers and that they fulfil the minimum requirements set out in Annex I. On request, final customers shall receive a clear and understandable explanation of how their bill was derived, especially where bills are not based on actual consumption.	
Article 15(2)				

	<b>Commission Proposal</b>	<b>EP Mandate</b>	<b>Council Mandate</b>	<b>Draft Agreement</b>
400	2. Member States shall ensure that final customers receive all their bills and billing information free of charge.	2. Member States shall ensure that final customers receive all their bills and billing information free of charge.	2. Member States shall ensure that final customers receive all their bills and billing information free of charge.	