



2025/0051(COD)

11.4.2025

COMPROMISE AMENDMENTS

1 - 27

Draft report

Borys Budka

(PE772.015v01-00)

Proposal for a regulation of the European Parliament and of the Council
Amending Regulation (EU) 2017/1938 as regards the role of gas storage for
securing gas supplies ahead of the winter season

Proposal for a regulation

(COM(2025)0099 – C10-0041/2025 – 2025/0051(COD))

Amendment 1
Borys Budka

Compromise amendment replacing Amendment(s): 5-8

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) Regulation (EU) 2022/1032 of the Parliament and of the Council¹ was adopted in reaction to the gas-supply crisis and unprecedented price increases caused by the escalation of the **Russian military** aggression against Ukraine since February 2022, impelling the Union to act in a coordinated and comprehensive manner to avoid potential risks resulting from further gas-supply disruptions.

¹ Regulation (EU) 2022/1032 of the European Parliament and of the Council of 29 June 2022 amending Regulations (EU) 2017/1938 and (EC) No 715/2009 with regard to gas storage (OJ L 173, 30.6.2022, p. 17, ELI: <http://data.europa.eu/eli/reg/2022/1032/oj>).

Amendment

(1) Regulation (EU) 2022/1032 of the Parliament and of the Council¹ was adopted in reaction to the gas-supply crisis and unprecedented price increases caused by the escalation of the **Russia's ongoing unjustified and unprovoked war of** aggression against Ukraine since February 2022, impelling the Union to act in a coordinated and comprehensive manner to avoid potential risks resulting from further gas-supply disruptions.

¹ Regulation (EU) 2022/1032 of the European Parliament and of the Council of 29 June 2022 amending Regulations (EU) 2017/1938 and (EC) No 715/2009 with regard to gas storage (OJ L 173, 30.6.2022, p. 17, ELI: <http://data.europa.eu/eli/reg/2022/1032/oj>).

Or. en

Amendment 2
Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation
Recital 3

Text proposed by the Commission

(3) Gas-storage facilities provide for 30% of the Union's gas consumption during the winter months, and well-filled underground gas-storage facilities

Amendment

(3) Gas-storage facilities provide for 30% of the Union's gas consumption during the winter months, and well-filled underground gas-storage facilities **as well**

contribute substantially to the security of gas supply by providing additional gas in the event of high demand or supply disruptions.

as gas demand reduction contribute substantially to the security of gas supply by providing additional gas in the event of high demand or supply disruptions.

Or. en

Amendment 3 **Borys Budka**

Compromise amendment replacing Amendment(s): x

Proposal for a regulation **Recital 4**

Text proposed by the Commission

(4) The laying down of a mandatory target to ensure that gas-storage facilities are 90% full by 1 November (filling target), with a series of intermediate targets for each Member State in February, May, July and September of the year **thereafter** (filling trajectory), proved to be fundamental **amidst** the energy crisis sparked by **the** weaponisation of **Russian** gas supplies **and invasion of Ukraine** in both: (i) weathering the gas-supply shortages; and (ii) reducing market uncertainties and price volatility.

Amendment

(4) The laying down of a mandatory target to ensure that gas-storage facilities are 90% full by 1 November (filling target), with a series of intermediate targets for each Member State in February, May, July and September of the **following** year (filling trajectory), proved to be fundamental **during** the energy crisis sparked by **Russia's war of aggression against Ukraine and Russia's** weaponisation of **its** gas supplies in both: (i) weathering the gas-supply shortages; and (ii) reducing market uncertainties and price volatility.

Or. en

Amendment 4 **Borys Budka**

Compromise amendment replacing Amendment(s): x

Proposal for a regulation **Recital 5**

Text proposed by the Commission

(5) Despite the substantial

Amendment

(5) Despite the substantial

improvement of the gas market situation compared to 2022-2023 *period*, the European gas market remains tight. More intense competition for global LNG supplies can increase Member States exposure to price volatility. ***The gas price development during the 2024/2025 winter may confirm the trend.*** In such situation, the role of gas storages remains paramount. ***Predictable filling trajectories increase transparency and prevent market distortion.***

improvement of the gas market situation compared to ***the period*** 2022-2023, the European gas market remains tight ***and the geopolitical situation remains unclear.*** More intense competition for global LNG supplies can increase Member States exposure to price volatility. In such situation, the role of gas storages remains paramount.

Or. en

Amendment 5

Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6 a) Since 2022, the Union has substantially succeeded in making gas supplies more secure by increasing LNG imports from trustworthy global partners and is aiming to fully eliminate the Union's reliance on Russian fossil fuels, building on the progress of REPowerEU. The Union has developed new regasification facilities and port terminals, while also establishing a liquid gas market that ensures strong resilience against potential disruptions in the remaining Russian pipeline supplies.

Or. en

Amendment 6

Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation
Recital 6 b (new)

Text proposed by the Commission

Amendment

(6 b) *The changed global political environment has to be taken into account with regard to the reliability of the gas suppliers and gas supplying countries.*

Or. en

Amendment 7
Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation
Recital 7

Text proposed by the Commission

Amendment

(7) *At the same time*, the overall framework to meet ***this 1 November target must*** be flexible enough during the filling season to allow a swift reaction to constantly changing market conditions and in particular to take advantage of the best purchasing conditions.

(7) ***In the light of the European success to derisk its gas import structure***, the overall framework to meet ***the Union's need for natural gas must strike a balance between energy security and the return to market-based principles. It must thus*** be flexible enough during the filling season to allow a swift reaction to constantly changing market conditions and in particular to take advantage of the best purchasing conditions ***in order to bring down gas prices in Europe. It is therefore proposed to lower the filling target to 83%***

Or. en

Amendment 8
Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) ***The purpose of*** intermediary filling targets, ***agreed upon each year by the*** Member States, ***is to ensure that the mandatory 1 November target is met.*** ***However, these targets are*** indicative and should allow for storage filling in such a way that there is sufficient flexibility available for market participants throughout the year ***in accordance with*** Recommendation XXX.

Amendment

(8) ***To enhance market stability and mitigate the risk of undue price volatility potentially triggered by*** intermediary filling targets, ***it is appropriate to provide increased flexibility for storage filling.*** Member States ***should therefore provide indicative filling plans on a yearly basis that could include where appropriate an indicative filling trajectory*** and should allow for storage filling in such a way that there is sufficient flexibility available for market participants throughout the year, ***taking into account*** Recommendation (2025)1481.

Or. en

Amendment 9
Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8 a) Member States should have the possibility to deviate by up to four percentage points from the filling target in the case of unfavourable market conditions, relating, inter alia, to factors such as supply and demand and competition, or of trading activities hindering cost-effective storage filling, that significantly limit the ability to ensure that the gas storages are filled in accordance with this Regulation.

Or. en

Amendment 10
Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation
Recital 8 b (new)

Text proposed by the Commission

Amendment

(8 b) Moreover, the Commission should be empowered to adopt delegated acts to amend for one filling season the level of the allowed deviation of four percentage points by increasing it by up to an additional four percentage points, in the case of persistent unfavourable market conditions.

Or. en

Amendment 11
Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation
Recital 8 c (new)

Text proposed by the Commission

Amendment

(8 c) The cumulative effects of the flexibilities and derogations in this Regulation should not bring down the overall storage filling obligations under 75 %.

Or. en

Amendment 12
Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) Commission's assessment of the current energy-security framework has confirmed the positive impact of the storage-filling requirements on the security of gas supply and those positive effects should be preserved beyond 2025.

Amendment

(9) **The** Commission's assessment of the current energy-security framework has confirmed the positive impact of the storage-filling requirements on the security of gas supply and those positive effects should be preserved beyond 2025.

Extending these measures would not only contribute to the continued safeguarding of supply security, but would also constitute a key instrument in the Union's efforts to eliminate its dependence on imports of Russian gas.

Or. en

Amendment 13
Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9 a) At the same time this Regulation should respond to current and future changes in the natural gas markets and contribute to the strategic objective of bringing down energy prices and facilitate the gradual return towards market-based mechanisms for storage refilling.

Or. en

Amendment 14
Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation
Recital 9 b (new)

Text proposed by the Commission

Amendment

(9 b) In order to maintain the security of supply and the appropriate level of filling, the Commission should continuously monitor the market and explore ways that could help meet the filling target, for example using demand aggregation and joint purchasing mechanisms.

Or. en

Amendment 15
Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

(10) It is therefore necessary to extend by two years the relevant gas storage filling provisions that provide predictability and transparency as to the utilisation of gas-storage facilities across the Union.

(10) It is therefore necessary to extend by two years the relevant gas storage filling provisions that provide predictability and transparency as to the utilisation of gas-storage facilities across the Union **while at the same time introducing some flexibility into this Regulation.**

Or. en

Amendment 16
Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10 a) In line with the Commission’s commitment to better regulation and simplification, and reflecting the overall improvement in the Union’s energy security framework, the monitoring of compliance with this Regulation should place greater trust in the Member States’ administrative capacities. The supervisory burden on the Commission should be reduced accordingly, with a shift towards lighter-touch reporting obligations and streamlined procedures. This approach reinforces the principle of subsidiarity, avoids unnecessary administrative complexity, and is consistent with the Commission’s simplification efforts as outlined in its Work Programme 2025.

Or. en

Amendment 17
Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation
Recital 10 b (new)

Text proposed by the Commission

Amendment

(10 b) Regulation (EU)2017/1938 should be revised by the Commission in due time and before 2027 to be adapted to the evolving energy landscape and to reflect the future needs for gas storage. Among other issues, any amendments should address the limitations of the current definition of “protected customers”, the prevention of speculation on the gas markets and speculative activities that artificially inflate prices, the role of energy efficiency measures leading to verifiable gas demand reduction and how this could be used for further flexibilities

by Member States and consider the framework under an evolving energy mix that will have an increased role of alternative sources to gas such as renewable energy sources, hydrogen together with the role of energy efficiency.

Or. en

Amendment 18
Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation
Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

In Article 22 of Regulation (EU) 2017/1938, the fourth paragraph is replaced by the following:

Regulation (EU) 2017/1938 is amended as follows:

Or. en

Amendment 19
Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation
Article 1 – paragraph 1
Article 2 – point 27
Regulation (EU) 2017/1938

Text proposed by the Commission

Amendment

(27) ‘filling trajectory’ means a series of intermediate targets for the underground gas storage facilities of each Member State, as listed in Annex Ia for 2022 and, for the following years, set in accordance with Article 6a;

*(1) in Article 2, point 27 is deleted:
deleted*

Amendment 20
Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation

Article 1 – paragraph 1

Article 6a

Regulation (EU) 2017/1938

Text proposed by the Commission

Amendment

Article 6a

Filling *targets and filling trajectories*

1. Subject to paragraphs 2 to 5, Member States shall meet the following filling targets for the aggregated capacity of all underground gas storage facilities that are located on their territory and directly interconnected to a market area in their territory and for storage facilities listed in Annex Ib **by 1 November** each year:

(a) for 2022: 80 %;

(b) from 2023: 90 %.

For the purpose of complying with this paragraph, Member States shall take into account the objective of safeguarding the security of gas supply in the Union in accordance with Article 1.

2. Notwithstanding paragraph 1 and without prejudice to the obligations of other Member States to fill the underground gas storage facilities concerned, the filling target for each Member State in which the underground gas storage facilities are located shall be reduced to a volume corresponding to **35 %** of the average annual gas consumption over the preceding five years for that Member State.

(2) Article 6a is replaced by the following:

Article 6a

Filling *target*

1. Subject to paragraphs 2 to 5, Member States shall meet the filling target **of 83%** for the aggregated capacity of all underground gas storage facilities that are located on their territory and directly interconnected to a market area in their territory and for storage facilities listed in Annex Ib **at any point in time between 1 October and 1 December** each year.

deleted

deleted

For the purpose of complying with this paragraph, Member States shall take into account the objective of safeguarding the security of gas supply in the Union in accordance with Article 1.

2. Notwithstanding paragraph 1 and without prejudice to the obligations of other Member States to fill the underground gas storage facilities concerned, the filling target for each Member State in which the underground gas storage facilities are located shall be reduced to a volume corresponding to **32,28 %** of the average annual gas consumption over the preceding five years for that Member State.

3. Notwithstanding paragraph 1 and without prejudice to the obligations of other Member States to fill the underground gas storage facilities concerned, the filling target for each Member State in which the underground gas storage facilities are located shall be reduced by the volume which was supplied to third countries during the reference period 2016 to 2021 if the average volume supplied was more than 15 TWh per year during the gas storage withdrawal period (October – April).

4. For the underground gas storage facilities listed in Annex Ib, the filling targets pursuant to paragraph 1 and the filling trajectories pursuant to paragraph 7 shall apply. The details of the obligations of each Member State will be determined in a bilateral agreement in accordance with Annex Ib.

5. A Member State may partially meet the filling target by counting the LNG physically stored and available in its LNG facilities if both of the following conditions are met:

(a) the gas system includes significant capacity of LNG storage, accounting annually for more than 4 % of the average national consumption over the preceding five years;

(b) the Member State has imposed an obligation on gas suppliers to store minimum volumes of gas in underground gas storage facilities and/or LNG facilities in accordance with Article 6b(1), point (a).

3. Notwithstanding paragraph 1 and without prejudice to the obligations of other Member States to fill the underground gas storage facilities concerned, the filling target for each Member State in which the underground gas storage facilities are located shall be reduced by the volume which was supplied to third countries during the reference period 2016 to 2021 if the average volume supplied was more than 15 TWh per year during the gas storage withdrawal period (October – April).

4. For the underground gas storage facilities listed in Annex Ib, the filling targets pursuant to paragraph 1 and the filling trajectories pursuant to paragraph 7 shall apply. The details of the obligations of each Member State will be determined in a bilateral agreement in accordance with Annex Ib.

5. A Member State may partially meet the filling target by counting the LNG physically stored and available in its LNG facilities if both of the following conditions are met:

(a) the gas system includes significant capacity of LNG storage, accounting annually for more than 4 % of the average national consumption over the preceding five years;

(b) the Member State has imposed an obligation on gas suppliers to store minimum volumes of gas in underground gas storage facilities and/or LNG facilities in accordance with Article 6b(1), point(a).

5a. Notwithstanding paragraph 1 and without prejudice to the obligation of other Member States to fill the underground gas storage facilities concerned, Member States may decide to deviate by up to four percentage points, from the filling target set out in paragraph 1 for each Member State if market conditions are unfavourable for filling underground gas storage facilities.

5b. In duly justified cases of persistent unfavourable market conditions, and provided that the security supply of the Union and the Member States is not undermined, the Commission is empowered to adopt delegated acts in accordance with Article 19 to amend this Regulation by increasing the allowed deviation for Member States, as laid down in paragraph 5a by up to 4 percentage points.

In its assessment, the Commission shall in particular take into account the level of storage filling in the Member States, global gas supply, ENTSOG's seasonal supply outlook, and indications of market manipulation. It may also take into consideration Member State measures, such as the deployment of gas demand-reduction measures for gas that achieve equivalent gas reductions during the following withdrawal season.

5c. Member States referred to in paragraph 2 may under the same conditions as those provided for in paragraph 5a decide to deviate by up to 1,55 % below the volume set out in paragraph 2.

5d. Before using any of the deviations provided for in paragraphs 5a and 5c, each Member State shall consult the Commission and provide without undue delay a justification for its decision. The Commission shall promptly inform the GCG about the cumulative effects of all deviations pursuant to paragraphs 5a and 5c and any directly affected Member States.

6. Member States shall take *the* necessary measures ***to meet the intermediate targets or to ensure that they are met as follows:***

- (a) for 2022: as set out in Annex Ia; and***
- (b) from 2023: in accordance with paragraph 7.***

6. In order to meet the filling target, Member States shall take all necessary measures and strive to follow the filling plan defined in accordance to paragraph 7a.

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7. For 2023 and the following years, each Member State with underground gas storage facilities shall submit to the Commission, by 15 September of the previous year, a draft filling trajectory with intermediary targets for February, May, July and September, including technical information, for the underground gas storage facilities on its territory and directly interconnected to its market area in an aggregated form. The filling trajectory and the intermediate targets shall be based on the average filling rate during the preceding five years.

For Member States for which the filling target is reduced to 35 % of their average annual gas consumption pursuant to paragraph 2, the intermediate targets of the filling trajectory shall be reduced accordingly.

Based on the technical information provided by each Member State and taking into account the assessment of the GCG, the Commission shall adopt implementing acts setting the filling trajectory for each Member State. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 18a(2). They shall be adopted by 15 November of the preceding year, where necessary and including where a Member State has submitted an updated draft filling trajectory. They shall be based on an assessment of the general security of gas supply situation and the development of gas demand and supply in the Union and individual Member States, and set in a manner that safeguards the security of gas supply, while avoiding unnecessary burdens on Member States, gas market participants, storage system operators or customers and not unduly distorting competition between storage facilities located in neighbouring Member States.

8. Where, in any given year, a Member State is not able to meet its filling target by 1 November due to the specific

7. Member States with underground gas storage facilities shall submit to the Commission in due time an indicative filling plan for the whole calendar year to reach the yearly gas storage filling target set in paragraph 1. The plan shall include technical information for the underground gas storage facilities on its territory and shall be directly interconnected to its market area in an aggregated form.

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technical characteristics of one or more underground gas storage facilities within its territory, such as exceptionally low injection rates, it shall be allowed to meet it by 1 December. The Member State shall inform the Commission by 1 November, providing reasons for the delay.

9. The filling target shall not apply where and for as long as the Commission has declared a regional or Union emergency pursuant to Article 12 at the request, as the case may be, of one or more Member States that have declared a national emergency.

10. The competent authority of each Member State shall continuously monitor compliance with the filling *trajectory* and shall report regularly to the GCG. *If the filling level of a given Member State is more than five percentage points below the level of the filling trajectory*, the competent authority shall, without delay, take effective measures to *increase it*. Member States shall inform the Commission and the GCG of the measures taken.

11. In the event of a substantial and sustained deviation by a Member State from the filling *trajectory*, which compromises the meeting of the filling target or in the event of a deviation from the filling target, the Commission shall, after consulting the GCG and the Member States concerned, issue a recommendation to that Member State or to the other Member States concerned regarding measures to be taken immediately.

9. The filling target shall not apply where and for as long as the Commission has declared a regional or Union emergency pursuant to Article 12 at the request, as the case may be, of one or more Member States that have declared a national emergency.

10. The competent authority of each Member State shall continuously monitor compliance with the filling *target as set in the filling plan* and shall report regularly *and at least once per month* to the *Commission and the GCG*. *If it is foreseen that the target cannot be met*, the competent authority shall, without delay, take effective measures to *meet the target*. Member States shall inform the Commission and the GCG of the measures taken.

11. In the event of a substantial and sustained deviation by a Member State from the filling *plan*, which compromises the meeting of the filling target or in the event of a deviation from the filling target, the Commission shall, *where appropriate*, after consulting the GCG and the Member States concerned, issue a recommendation to that Member State or to the other Member States concerned regarding measures to be taken immediately *to remedy the deviation or to minimize the impact on the security of supply, considering inter alia possible unfavourable market conditions. and specificities of Member States, such as the technical characteristics and size of the underground gas storage facilities in relation to the domestic gas consumption, the declining importance of the underground low calorific gas storage facilities for the security of gas supply,*

and existing LNG storage capacity.

Where the deviation is not significantly reduced within one month of receipt of the Commission's recommendation, the Commission shall, after consulting the GCG and the Member State concerned, take a decision as a measure of last resort to require the Member State concerned to take measures that effectively remedy the deviation, including, where appropriate, one or more of the measures provided for in Article 6b(1), or any other measure to ensure that the filling target pursuant to this Article is met.

deleted

In deciding which measures to take pursuant to the second subparagraph, the Commission shall take into account the specific situation of the Member States concerned, such as the size of the underground gas storage facilities in relation to the domestic gas consumption, the importance of the underground gas storage facilities for the security of gas supply in the region and any existing LNG storage facilities.

deleted

Any measures taken by the Commission to address deviations from the filling trajectory or the filling target for 2022 shall take into account the short timeframe for the implementation of this Article at national level, which may have contributed to the deviation from the filling trajectory or the filling target for 2022.

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The Commission shall ensure that the measures taken pursuant to this paragraph do not:

deleted

(a) go beyond what is necessary to safeguard the security of gas supply;

deleted

(b) place a disproportionate burden on Member States, gas market participants, storage system operators or customers.

deleted

11a. When the filling target of a Member State has not be reached endangering the security of supply of the Union, Commission shall adopt an implementing

act setting a filling plan for that Member State for the year after, based on the technical information provided by each Member State and taking into account the assessment of the GCG, That implementing act shall be adopted in accordance with the examination procedure referred to in Article 18a(2). They shall be based on an assessment of the general security of gas supply situation and the development of gas demand and supply in the Union and individual Member States with the aim to safeguard the security of gas supply.

Or. en

Amendment 21
Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation
Article 1 – paragraph 1
Article 6b
Regulation (EU) 2017/1938

Text proposed by the Commission

Amendment

Article 6b

Implementation of filling **targets**

1. Member States shall take all necessary measures, ***including providing for financial incentives or compensation to market participants***, to meet the filling ***targets*** set pursuant to Article 6a. When ensuring that the filling ***targets are*** met, Member States shall prioritise, where possible, market-based measures. To the extent that any of the measures provided for in this Article are duties and powers of the national regulatory authority pursuant to Article 41 of Directive 2009/73/EC, the national

(3) Article 6b is replaced by the following:

Article 6b

Implementation of filling ***target***

1. Member States shall take all necessary measures to meet the filling ***target*** set pursuant to Article 6a. When ensuring that the filling ***target is*** met, Member States shall prioritise, where possible, market-based measures.

To the extent that any of the measures provided for in this Article are duties and powers of the national regulatory authority pursuant to Article 41 of Directive 2009/73/EC, the national regulatory

regulatory authorities shall be responsible for taking those measures.

Measures taken pursuant to this paragraph may, in particular, include:

- (a) requiring gas suppliers to store minimum volumes of gas in storage facilities, including in underground gas storage facilities and/or in LNG storage facilities, those volumes to be determined on the basis of the amount of gas supplied by gas suppliers to protected customers;
- (b) requiring storage system operators to tender their capacities to market participants;
- (c) requiring transmission system operators or entities designated by the Member State to purchase and manage balancing stock exclusively for carrying out their functions as transmission system operators and, where necessary, imposing an obligation on other designated entities for the purpose of safeguarding the security of gas supply in the case of an emergency as referred to in Article 11(1), point (c);
- (d) using coordinated instruments, such as platforms for the purchase of LNG, with other Member States to maximise the utilisation of LNG and to reduce infrastructure and regulatory barriers to the shared use of LNG to fill underground gas storage facilities;
- (e) using voluntary mechanisms for the joint procurement of natural gas, regarding the application of which the Commission may, if necessary, issue guidance by 1 August 2022;
- (f) providing financial incentives for market participants, including for storage system operators, such as contracts for difference, or providing compensation to market participants for the shortfall in revenues or for costs incurred by them as a result of obligations on market participants, including storage system operators which cannot be covered by revenue;

authorities shall be responsible for taking those measures.

Measures taken pursuant to this paragraph may, in particular, include:

- (a) requiring gas suppliers to store minimum volumes of gas in storage facilities, including in underground gas storage facilities and/or in LNG storage facilities, those volumes to be determined on the basis of the amount of gas supplied by gas suppliers to protected customers;
- (b) requiring storage system operators to tender their capacities to market participants;
- (c) requiring transmission system operators or entities designated by the Member State to purchase and manage balancing stock exclusively for carrying out their functions as transmission system operators and, where necessary, imposing an obligation on other designated entities for the purpose of safeguarding the security of gas supply in the case of an emergency as referred to in Article 11(1), point (c);
- (d) using coordinated instruments, such as platforms for the purchase of LNG, with other Member States to maximise the utilisation of LNG and to reduce infrastructure and regulatory barriers to the shared use of LNG to fill underground gas storage facilities;
- (e) using voluntary mechanisms for the joint procurement of natural gas, regarding the application of which the Commission may, if necessary, issue guidance by 1 August 2022;
- (f) providing financial incentives for market participants, including for storage system operators, such as contracts for difference, or providing compensation to market participants for the shortfall in revenues or for costs incurred by them as a result of obligations on market participants, including storage system operators which cannot be covered by revenue;

(g) requiring storage capacity holders to use or release unused booked capacities, while still obliging the storage capacity holder not using the storage capacity to pay the agreed price for the whole term of the storage contract;

(h) adopting effective instruments for the purchase and management of strategic storage by public or private entities, provided that such instruments do not distort competition or the proper functioning of the internal market;

(i) appointing a dedicated entity tasked with meeting the filling target in the event that the filling target would not otherwise be met;

(j) providing discounts on storage tariffs;

(k) collecting the revenues needed to recover the capital and operational expenditures related to regulated storage facilities as storage tariffs and as a dedicated charge incorporated into transmission tariffs collected only from exit points to final customers located within the same Member States, provided that revenues collected through tariffs are not larger than the allowed revenues.

2. The measures taken by the Member States pursuant to paragraph 1 shall be limited to what is necessary to meet the filling *trajectories and filling targets*. They shall be clearly defined, transparent, proportionate, non-discriminatory and verifiable. They shall not unduly distort competition or the proper functioning of the internal market in gas or endanger the security of gas supply of other Member States or of the Union.

3. Member States shall take all necessary measures to ensure the use of the existing infrastructure at national and regional level for the benefit of the security of gas supply in an efficient way. Those measures shall

(g) requiring storage capacity holders to use or release unused booked capacities, while still obliging the storage capacity holder not using the storage capacity to pay the agreed price for the whole term of the storage contract;

(h) adopting effective instruments for the purchase and management of strategic storage by public or private entities, provided that such instruments do not distort competition or the proper functioning of the internal market;

(i) appointing a dedicated entity tasked with meeting the filling target in the event that the filling target would not otherwise be met;

(j) providing discounts on storage tariffs;

(k) collecting the revenues needed to recover the capital and operational expenditures related to regulated storage facilities as storage tariffs and as a dedicated charge incorporated into transmission tariffs collected only from exit points to final customers located within the same Member States, provided that revenues collected through tariffs are not larger than the allowed revenues.

2. The measures taken by the Member States pursuant to paragraph 1 shall be limited to what is necessary to meet the filling *target*. They shall be clearly defined, transparent, proportionate, non-discriminatory and verifiable. They shall not unduly distort competition or the proper functioning of the internal market in gas, *unduly increase energy costs* or endanger the security of gas supply of other Member States or of the Union. ***Member States shall inform the Commission and the GCG of any such measures.***

3. Member States shall take all necessary measures to ensure the use of the existing infrastructure at national and regional level for the benefit of the security of gas supply in an efficient way. Those measures shall

under no circumstances block or restrict the cross-border use of storage facilities or LNG facilities and shall not limit cross-border transmission capacities allocated in accordance with Commission Regulation (EU) 2017/459 (³).

4. When taking measures pursuant to this Article, Member States shall apply the energy efficiency first principle, while still achieving the objectives of their respective measures, in accordance with Regulation (EU) 2018/1999 of the European Parliament and of the Council (⁴).

under no circumstances block or restrict the cross-border use of storage facilities or LNG facilities and shall not limit cross-border transmission capacities allocated in accordance with Commission Regulation (EU) 2017/459 (3).

4. When taking measures pursuant to this Article, Member States shall apply the energy efficiency first principle, while still achieving the objectives of their respective measures, in accordance with Regulation (EU) 2018/1999 of the European Parliament and of the Council (4).

Or. en

Amendment 22

Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation

Article 1 – paragraph 1

Article 6c

Regulation (EU) 2107/1938

Text proposed by the Commission

Article 6c

Storage arrangements and burden-sharing mechanism

1. A Member State without underground gas storage facilities shall ensure that market participants within that Member State have in place arrangements with underground storage system operators or other market participants in Member States with underground gas storage facilities. Those arrangements shall provide for the use, by 1 **November**, of storage volumes corresponding to at least 15 % of the average annual gas consumption over the preceding five years of the Member State without underground gas storage facilities.

Amendment

(4) Article 6c is replaced by the following:

Article 6c

Storage arrangements and burden-sharing mechanism

1. A Member State without underground gas storage facilities shall ensure that market participants within that Member State have in place arrangements with underground storage system operators or other market participants in Member States with underground gas storage facilities. Those arrangements shall provide for the use, by 1 **December**, of storage volumes corresponding to at least 15 % of the average annual gas consumption over the preceding five years of the Member State without underground gas storage facilities.

However, where cross-border transmission capacity or other technical limitations prevent a Member State without underground gas storage facilities from fully using 15 % of those storage volumes, that Member State shall store only those volumes that are technically possible.

In the event that technical limitations do not allow a Member State to comply with the obligation laid down in the first subparagraph, and that Member State has in place an obligation to store other fuels to replace gas, the obligation laid down in the first subparagraph may exceptionally be met by an equivalent obligation to store fuels other than gas. The technical limitations and the equivalence of the measure shall be demonstrated by the Member State concerned.

2. By way of derogation from paragraph 1, a Member State without underground gas storage facilities may develop a burden-sharing mechanism with one or more Member States with underground gas storage facilities (burden-sharing mechanism).

The burden-sharing mechanism shall be based on the relevant data from the latest risk assessment pursuant to Article 7 and shall take into account all of the following parameters:

- (a) the cost of financial support for meeting the filling target, exclusive of the costs of meeting any strategic storage obligations;
- (b) the gas volumes needed to meet the demand of protected customers in accordance with Article 6(1);
- (c) any technical limitations, including the available underground storage capacity, technical cross-border transmission capacity and withdrawal rates.

Member States shall notify the burden-sharing mechanism to the Commission by 2 September 2022. In the absence of an agreement on a burden sharing mechanism by that date, Member States

However, where cross-border transmission capacity or other technical limitations prevent a Member State without underground gas storage facilities from fully using 15 % of those storage volumes, that Member State shall store only those volumes that are technically possible.

In the event that technical limitations do not allow a Member State to comply with the obligation laid down in the first subparagraph, and that Member State has in place an obligation to store other fuels to replace gas, the obligation laid down in the first subparagraph may exceptionally be met by an equivalent obligation to store fuels other than gas. The technical limitations and the equivalence of the measure shall be demonstrated by the Member State concerned.

2. By way of derogation from paragraph 1, a Member State without underground gas storage facilities may develop a burden-sharing mechanism with one or more Member States with underground gas storage facilities (burden-sharing mechanism).

The burden-sharing mechanism shall be based on the relevant data from the latest risk assessment pursuant to Article 7 and shall take into account all of the following parameters:

- (a) the cost of financial support for meeting the filling target, exclusive of the costs of meeting any strategic storage obligations;
- (b) the gas volumes needed to meet the demand of protected customers in accordance with Article 6(1);
- (c) any technical limitations, including the available underground storage capacity, technical cross-border transmission capacity and withdrawal rates.

Member States without underground gas storage facilities shall demonstrate that they comply with paragraph 1 and shall notify the Commission accordingly.

without underground gas storage facilities shall demonstrate that they comply with paragraph 1 and shall notify the Commission accordingly.

3. As a transitional measure, Member States without underground gas storage facilities, but which have underground gas storage facilities included in the last list of projects of common interest referred to in Regulation (EU) 2022/869 of the European Parliament and of the Council (5) may partially comply with paragraph 1 by counting LNG stocks in existing floating storage units, until their underground gas storage facilities are in operation.

4. Member States without underground gas storage facilities may provide incentives or financial compensation to market participants or transmission system operators, as relevant, for the shortfall in revenues, or for costs incurred by them, as a result of their compliance with their storage obligations pursuant to this Article, where such a shortfall or such costs cannot be covered by revenue, in order to ensure compliance with their obligation to store gas in other Member States pursuant to paragraph 1 or the implementation of the burden-sharing mechanism. If the incentive or financial compensation is financed through a levy, that levy shall not be applied to cross-border interconnection points.

5. Notwithstanding paragraph 1, where a Member State has underground gas storage facilities located on its territory and the aggregated capacity of those facilities is larger than the annual gas consumption of that Member State, the Member States without underground gas storage facilities that have access to those facilities shall either:

(a) ensure that by 1 **November** storage volumes correspond at least to the average usage of the storage capacity over the preceding five years, determined, *inter alia*, by taking into account the flows during

3. As a transitional measure, Member States without underground gas storage facilities, but which have underground gas storage facilities included in the last list of projects of common interest referred to in Regulation (EU) 2022/869 of the European Parliament and of the Council (5) may partially comply with paragraph 1 by counting LNG stocks in existing floating storage units, until their underground gas storage facilities are in operation.

4. Member States without underground gas storage facilities may provide incentives or financial compensation to market participants or transmission system operators, as relevant, for the shortfall in revenues, or for costs incurred by them, as a result of their compliance with their storage obligations pursuant to this Article, where such a shortfall or such costs cannot be covered by revenue, in order to ensure compliance with their obligation to store gas in other Member States pursuant to paragraph 1 or the implementation of the burden-sharing mechanism. If the incentive or financial compensation is financed through a levy, that levy shall not be applied to cross-border interconnection points.

5. Notwithstanding paragraph 1, where a Member State has underground gas storage facilities located on its territory and the aggregated capacity of those facilities is larger than the annual gas consumption of that Member State, the Member States without underground gas storage facilities that have access to those facilities shall either:

(a) ensure that by 1 **December** storage volumes correspond at least to the average usage of the storage capacity over the preceding five years, determined, *inter alia*, by taking into account the flows during

withdrawal season over the preceding five years from the Member States where the storage facilities are located; or

(b) demonstrate that storage capacity equivalent to the volume covered by the obligation under point (a) has been booked.

If the Member State without underground gas storage facilities can demonstrate that storage capacity equivalent to the volume covered by the obligation under point (a) of the first subparagraph has been booked, paragraph 1 shall apply.

The obligation under this paragraph shall be limited to 15 % of the average annual gas consumption over the preceding five years in the Member State concerned.

6. Unless otherwise specified in Annex Ib, in the case of underground gas storage facilities located in one Member State that are not covered by paragraph 5 but that are directly connected to the market area of another Member State, that other Member State shall ensure that **by 1 November** storage volumes correspond to at least the average of the storage capacity booked at the relevant cross-border point over the preceding five years.

withdrawal season over the preceding five years from the Member States where the storage facilities are located; or

(b) demonstrate that storage capacity equivalent to the volume covered by the obligation under point (a) has been booked.

If the Member State without underground gas storage facilities can demonstrate that storage capacity equivalent to the volume covered by the obligation under point (a) of the first subparagraph has been booked, paragraph 1 shall apply.

The obligation under this paragraph shall be limited to 1 % of the average annual gas consumption over the preceding five years in the Member State concerned.

6. Unless otherwise specified in Annex Ib, in the case of underground gas storage facilities located in one Member State that are not covered by paragraph 5 but that are directly connected to the market area of another Member State, that other Member State shall ensure that **between 1 October and 1 December** storage volumes correspond to at least the average of the storage capacity booked at the relevant cross-border point over the preceding five years.

Or. en

Amendment 23
Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation
Article 1 – paragraph 1
Article 6d
Regulation (EU) 2017/1938

Text proposed by the Commission

Amendment

(5) Article 6d is replaced by the following:

Article 6d

Monitoring and enforcement

1. Storage system operators shall report the filling level to the competent authority in each Member State where the underground gas storage facilities concerned are located and, if applicable, to an entity designated by that Member State (the ‘designated entity’) as *follows*:

(a) for 2022: on each of the intermediate targets set out in Annex Ia; and

(b) from 2023: as set pursuant to Article 6a(7).

2. The competent authority and, if applicable, the designated entity of each Member State shall monitor the filling levels of the underground gas storage facilities on their territory at the end of each month and report the results to the Commission without *undue* delay.

The Commission may, where appropriate, invite the European Union Agency for the Cooperation of Energy Regulators (ACER) to assist with such monitoring.

3. Based on the information provided by the competent authority and, if applicable, the designated entity of each Member State, the Commission shall report regularly to the GCG.

4. The GCG shall assist the Commission in the monitoring of the filling *trajectories and the filling targets*, and shall develop guidance for the Commission on adequate measures to ensure *compliance* in the event that Member States *deviate from the filling trajectories or do not meet the filling targets*.

Article 6d

Monitoring and enforcement

1. Storage system operators shall report the filling level to the competent authority in each Member State where the underground gas storage facilities concerned are located and, if applicable, to an entity designated by that Member State (the ‘designated entity’) as *set pursuant to Article 6a*.

2. The competent authority and, if applicable, the designated entity of each Member State shall monitor the filling levels of the underground gas storage facilities on their territory at the end of each month and report *monthly* the results to the Commission without *any* delay. *The competent authority shall also include information on the share of Russian gas being stored in that Member State, where available.*

The Commission may, where appropriate, invite the European Union Agency for the Cooperation of Energy Regulators (ACER) to assist with such monitoring.

3. Based on the information provided by the competent authority and, if applicable, the designated entity of each Member State, the Commission shall report regularly to the GCG.

4. The GCG shall assist the Commission in the monitoring of the filling *target*, and shall develop guidance for the Commission on adequate measures to ensure *better alignment* in the event that Member States filling *rates compromise the achievement of the filling target, or to ensure compliance with the filling target*.

4a. Where appropriate, the Commission shall implement measures helping Member States to achieve the filling target, including measures to encourage

5. Member States shall take the necessary measures to meet the filling *trajectories and the filling targets* and to enforce upon market participants the storage obligations *which are required to meet them, including by imposing* sufficiently deterrent sanctions and fines *on those market participants*.

Member States shall inform the Commission without delay of the enforcement measures taken pursuant to this paragraph.

6. Where commercially sensitive information is to be exchanged, the Commission may convene meetings of the GCG that are restricted to itself and Member States.

7. Any information exchanged shall be limited to that which is necessary for the purpose of monitoring compliance with this Regulation.

The Commission, the national regulatory authorities and the Member States shall preserve the confidentiality of commercially sensitive information received for the purposes of carrying out their obligations.

participation in joint purchasing via the Aggregate EU platform.

5. Member States *and, where appropriate, the Commission* shall take the necessary measures to meet the filling *target* and to enforce upon market participants the storage obligations. *These measures may include* sufficiently deterrent sanctions and fines, *such as adequate financial penalties*.

6. Where commercially sensitive information is to be exchanged, the Commission may convene meetings of the GCG that are restricted to itself and Member States.

7. Any information exchanged shall be limited to that which is necessary for the purpose of monitoring compliance with this Regulation.

The Commission, the national regulatory authorities and the Member States shall preserve the confidentiality of commercially sensitive information received for the purposes of carrying out their obligations.

Or. en

Amendment 24 **Borys Budka**

Compromise amendment replacing Amendment(s): x

Proposal for a regulation
Article 1 – paragraph 1
Article 17a
Regulation (EU) 2017/1938

Article 17a

Commission reporting

1. By 28 February 2023 and annually thereafter, the Commission shall submit reports to the European Parliament and to the Council, containing:

(a) an overview of the measures taken by Member States to fulfil the storage obligations;

(b) an overview of the time needed for the certification procedure set out in Article 3a of Regulation (EC) No 715/2009;

(c) an overview of the measures requested by the Commission in order to ensure compliance with the filling trajectories and the filling targets;

(d) an analysis of the potential effects of this Regulation on gas prices and potential gas savings in relation to Article 6b(4).

(6) Article 17a is replaced by the following:

Article 17a

Commission reporting

1. By 28 February 2023 and annually thereafter, the Commission shall submit reports to the European Parliament and to the Council, containing:

(a) an overview of the measures taken by Member States to fulfil the storage obligations;

(b) an overview of the time needed for the certification procedure set out in Article 3a of Regulation (EC) No 715/2009;

(c) an overview of the measures requested by the Commission in order to ensure compliance with the filling trajectories and the filling targets;

(d) an analysis of the potential effects of this Regulation on gas prices and potential gas savings in relation to Article 6b(4);

(da) the information about the share of Russian gas stored in the EU storages, provided by Member States in accordance with Article 6d(2).

Or. en

Amendment 25

Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation

Article 1 – paragraph 1

Article 22

Regulation (EU) 2017/1938

Text proposed by the Commission

Amendment

Article 22

Entry into force

This Regulation shall enter into force on the fourth day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 November 2017.

However, Article 13(1) to (6), the first and second subparagraphs of Article 13(8), and Article 13(14) and (15) shall apply from 1 December 2018.

Article 2, points (27) to (31), Articles 6a to 6d, Article 16(3), Article 17a, Article 18a, Article 20(4), and ***Annexes Ia and Ib*** shall apply until 31 December **2025**.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

(7) Article 22 is replaced by the following:

Article 22

Entry into force

This Regulation shall enter into force on the fourth day following that of its publication in the Official Journal of the European Union.

It shall apply from 1 November 2017.

However, Article 13(1) to (6), the first and second subparagraphs of Article 13(8), and Article 13(14) and (15) shall apply from 1 December 2018.

Article 2, points (27) to (31), Articles 6a to 6d, Article 16(3), Article 17a, Article 18a, Article 20(4), and ***Annex Ib*** shall apply until 31 December **2027**.

Or. en

Amendment 26

Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation

Article 1 – paragraph 1

Annex Ia

Regulation (EU) 2017/1938

Text proposed by the Commission

Amendment

(8) Annex Ia is deleted.

Or. en

Amendment 27
Borys Budka

Compromise amendment replacing Amendment(s): x

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission

This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Union.

Amendment

This Regulation shall enter into force **and shall apply** on the day following that of its publication in the Official Journal of the European Union.

Or. en