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**NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee  
Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on phasing out Russian natural gas imports, improving monitoring of potential energy dependencies and amending Regulation (EU) 2017/1938  
- Preparation for the trilogue

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**I. INTRODUCTION**

1. On 17 June 2025, the Commission submitted to the European Parliament and to the Council a proposal for a Regulation on phasing out Russian natural gas imports, improving monitoring of potential energy dependencies and amending the Security of gas supply Regulation. The proposal aims to decisively phase out the remaining pipeline gas and LNG imports from Russia, with a full prohibition in place by 1 January 2028.
2. Following intense preparatory work, the Council reached a General Approach on the proposal on 20 October 2025 and gave a mandate to the Presidency to start negotiations with the European Parliament.

3. In the European Parliament, Mr Ville NIINISTÖ (Greens/EFA, FI) has been appointed as rapporteur for the proposal on behalf of the ITRE Committee and Ms Inese VAIDERE (EPP, LV) as rapporteur for the proposal on behalf of the INTA Committee. The joint ITRE-INTA Committee vote took place on 16 October 2025 and the announcement in plenary on 20 October 2025.
4. The European Economic and Social Committee delivered its opinion on 17 September 2025. The Committee of the Regions was consulted.

## II. INTERINSTITUTIONAL NEGOTIATIONS – STATE OF PLAY

5. Considering the specific circumstances of the file and in order to ensure an efficient launch of the interinstitutional negotiations, the co-legislators agreed to replace the kick-off trilogue by an exchange of letters on 22 October 2025. They mandated the technical level to start interinstitutional technical meetings in view of preparing the first trilogue and agreed on a provisional timetable for the negotiations.
6. The first trilogue took place on 6 November 2025. The co-legislators confirmed the importance of this Regulation and their shared ambition to reach a political agreement before the end of the year. The co-legislators held exploratory discussions on five key topics: the phase-out dates, prior authorisation, the suspension clause, as well as two new elements introduced by the Parliament in their position – a ban on oil imports, and penalties.
7. The aim of the second trilogue on 20 November 2025 was to provide detailed guidance to the technical level on the main elements of the file, enabling them to propose concrete drafting suggestions on the following points: penalties, prior authorisation, the phase-out dates, the suspension clause, oil and national diversification plans. The technical level was also tasked with preparing possible landing zones for all political issues.
8. Since the second trilogue and in view of the preparation of the third trilogue on 2 December, the Presidency has held exchanges with the European Parliament and the Commission in interinstitutional technical meetings on 21, 24, 25 and 26 November 2025. They are also scheduled on 28 November 2025.

### III. PREPARATION FOR THE THIRD TRILOGUE

9. Overall, the approach of the Council aims to ensure the legal robustness and smooth implementation of the Regulation, while minimising the administrative burden to what is strictly necessary and safeguarding security of supply and price stability. The Parliament's approach is driven first and foremost by the political goal of putting as soon as possible a definitive end to all Russian oil and natural gas imports, as well as a wish to include stringent penalty provisions to deter breaches of the prohibition. To this end, the Parliament has included additional elements in its position which were not present in the Commission proposal. It has also anticipated the timeline proposed by the Commission. While the Parliament has expressed willingness to be flexible on a number of issues important for the Council, it has also made it clear that it expects reciprocal flexibility from the Council on issues that matter most to them. The difference in the positions of the co-legislators on the key issues are listed below.

#### **Phase-out dates (Article 4)**

10. The Commission has proposed that, as a general rule, the import of Russian pipeline gas and LNG be prohibited as of 1 January 2026. However, long-term contracts concluded before 17 June 2025 would have a transition period with a deadline of 1 January 2028.
11. With respect to long-term contracts, the Council maintained the Commission's proposed phase-out date of 1 January 2028, while the Parliament has made it a key point of its mandate to bring it forward by one year, to 1 January 2027.
12. In light of the 19<sup>th</sup> sanctions package, which prohibits the imports of Russian LNG as of 1 January 2027, the Presidency proposes aligning the phase-out date for Russian LNG in the REPowerEU Regulation with the 19<sup>th</sup> sanctions package.
13. For the Parliament it is equally important to advance the phase-out date for Russian pipeline gas. During the second trilogue, it indicated that it seeks an earlier phase-out date, somewhere between February and April 2027, at the end of the heating season. The Presidency considers that any advance of the phase-out date for Russian pipeline gas should be assessed thoroughly, alongside an evaluation by the Commission of the potential effects on security of supply or prices.

### **Penalties (Article 10a)**

14. The Parliament proposes the inclusion of a new article on penalties, an issue not covered in the Commission proposal, but which the Parliament has identified as crucial for reaching a political agreement on this file. It calls for harmonised penalties for violations of the Russian gas import prohibition, and for maximum levels to be established in the Regulation.
15. The Presidency proposes offering the Parliament a new article that requires Member States to establish penalty regimes. This article would also include an obligation for the Commission to monitor whether practices of "penalty shopping" occur.

### **Suspension clause (Article 15)**

16. The Parliament seeks to delete the suspension clause proposed by the Commission and has made clear since the start of the negotiations that it is a very important political issue where it expects the Council to show flexibility. Therefore, the Presidency has been exploring various options to address the Parliament's request without entirely deleting the clause. One option is to specify measures that must be taken before a suspension can occur. Another possibility is to introduce stricter conditions for triggering the suspension clause. Yet another option considered by the Presidency is to apply a sunset clause to it.

### **Prior authorisation (Article 7)**

17. The concept of prior authorisation was not included in the Commission proposal, but both co-legislators agree that it is necessary for the smooth implementation of the REPowerEU Regulation. However, there are differences on the modalities of prior authorisation, particularly regarding the list of trusted countries exempt from this requirement.
18. The Parliament has strong reservations about some countries that would be included on the list if the criteria in Article 7(2b) of the General Approach were applied. As a result, the Parliament requests that the Commission not only update the list if conditions are no longer fulfilled, but also have the ability to remove countries from it in case of circumvention.
19. The Presidency will defend the Council's General Approach, including the five-working-day deadline for prior authorisation of non-Russian gas imports, but is seeking flexibility on additional options for determining the list of trusted countries.

## **Oil (Chapter IIa)**

20. During the trilogues, the Parliament made it clear that banning oil imports from Russia is a priority for them. However, this ban was not included in the Commission proposal. The Presidency will therefore maintain its position that such a prohibition should not fall within the scope of the REPowerEU Regulation. A compromise has been considered by the co-legislators that involves strengthening the national diversification plans for oil in the proposal, and mandating the Commission to assess the need for further measures.

### **IV. CONCLUSION**

21. In light of the above, the Permanent Representatives Committee is invited to provide political guidance to the Presidency on possible areas of flexibility regarding the outstanding issues listed under points 10 to 20 of this note, notably by signalling specific red lines, should there be any.
22. In addition, the Permanent Representatives Committee is invited to confirm the lines preliminarily agreed at the technical level, as outlined in the four-column table set out in ADD1 to this note.