

Brussels, 21 January 2026  
(OR. en, bg, fr)

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**Interinstitutional File:  
2025/0180 (COD)**

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**5289/26  
ADD 2 REV 1**

**CODEC 46  
ENER 11  
POLCOM 17**

**'I/A' ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on phasing out Russian natural gas imports and preparing the phase-out of Russian oil imports, improving monitoring of potential energy dependencies and amending Regulation (EU) 2017/1938 **(first reading)**  
- Adoption of the legislative act  
= Statements

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**Bulgaria has requested that the following statement be entered in the Council minutes**

Bulgaria expresses its support for the strategic objective of the proposal for a Regulation on phasing out Russian natural gas imports, improving monitoring of potential energy dependencies and amending Regulation (EU) 2017/1938 (Regulation REPowerEU).

We take note of the final compromise text of the REPowerEU Regulation and in particular acknowledge the elements of the compromise related to:

- the consideration of the specificities of the CESEC region and the objective of ensuring alternative gas supplies;
- the references to gas storage filling targets, and

- the maintenance of the suspension clause in cases of risk to the security of energy supply.

At the same time, we maintain the following considerations:

- Article 5(8), applicable to Strandzha 1, is not justified as only natural gas of non-Russian origin is transiting through this interconnection point, and results in a disproportionate administrative burden for importers of non-Russian gas origin.
- The final compromise text does not provide sufficient safeguards against potential arbitration proceedings and financial penalties for companies with long-term gas pipeline transit contracts and booked capacity. Bulgaria insists on full reciprocity, including adequate financial guarantees for the Member State applying the Regulation at the EU's external border, including in cases where the act is subsequently annulled or declared unlawful.
- The proposed legal basis for the adoption of the Regulation is not sufficient.

In view of the above concerns, and taking into account that the Bulgarian considerations set out in the written declaration for the Energy Council meeting on 20 October 2025 are not fully reflected, **Bulgaria abstains on the final text of the REPowerEU Regulation.**

**France has requested that the following statement be entered in the Council minutes**

In line with the Versailles declaration, France has always given its full support to ending the European Union's dependence on Russian fossil fuels.

During the negotiations on this draft Regulation, France sought to ensure the legal soundness of the text and of the implementing arrangements, in order to minimise the risk of the bans being circumvented. In this regard, France emphasises that **the exclusive use of European sanctions must remain the norm for restrictive measures that the European Union decides to impose on third countries. The adoption of the REPowerEU Regulation on gas was an exception to this rule, which should remain exceptional, and which was justified by very specific circumstances.** France will therefore be particularly vigilant with regard to any future prohibition measures that could be likened to sanctions, particularly in the energy sector.

**Hungary has requested that the following statement be entered in the Council minutes**

Hungary believes that the composition of the energy mix, as well as decisions regarding supply sources and transport routes and their diversification, must remain in the hands of each Member State. Hungary expresses its utmost concerns that the REPowerEU Regulation fundamentally and negatively affects the energy security, energy prices, the sovereign choice of energy mix. Therefore, we believe that the RepowerEU Regulation interferes with the sovereignty of Member States and does not respect the principle of subsidiarity.

The Hungarian National Assembly issued a reasoned opinion about the significant concerns on subsidiarity.

Hungary has serious doubts concerning the chosen legal basis for the Regulation. In the REPowerEU Regulation there is no common commercial policy objective, while it even goes against the objectives indicated in Article 194(1) TFEU. Hence, we consider it as a 'de facto sanction' measure, which could have been adopted solely on the basis of Article 215 TFEU and Article 29 TEU.

Furthermore, Hungary believes that the RepowerEU Regulation violates the principle of solidarity under the Article 194(1) TFEU. The principle of solidarity implies a general obligation on the part of the Union and the Member States to take into account the interests of other actors when exercising their powers. They should avoid taking measures which, in terms of security of supply, economic and political viability, and diversification of supply sources and supply, negatively affect the interests of the Union or the Member States, while, in the event of a conflict, they are required to balance those interests. Having regard to the foreseeable negative economic, social and price consequences of the REPowerEU Regulation on Hungary, such balance has not been found.

In Hungary's opinion the provisions concerning a full import ban do not comply with the principles of necessity and proportionality, as well as the principle of legal certainty including whether they provide sufficient preparation time for those affected by it.

Hungary regrets the fact that no comprehensive, country specific impact assessment has been made, including a competitiveness check on resulting price pressures and volatility, as well as regional security of supply issues. Landlocked Member States, like Hungary are in a specific position that should have been taken into consideration. Moreover, the final phase out date for pipeline gas supply was set regardless to the result of the Commission's regional impact assessment prepared during the trilogues.

Hungary is convinced that the measures outlined in the REPowerEU Regulation will not only lead to higher and more volatile energy prices, - which have already become the biggest impediment to European competitiveness - but also threaten the security of supply, especially in the case of landlocked Member States. While the RepowerEU Regulation includes a suspension clause as a safeguard in case of a sudden and severe supply crisis, it is unlikely to be applicable in practice given the strict circumstances and requirements necessary to trigger it.

Moreover, we also have serious legal reservations, since the RepowerEU Regulation interferes with existing long-term contracts and entails liability on behalf of economic entities and/or Member States. It lacks any financial compensation mechanism to alleviate these liabilities.

The risk of retroactive application of certain provisions remained a potential area of legal challenge in the text such as the date of 17 June 2025 from which date any new Russian gas supply contract is considered under the immediate phase out effect of the RepowerEU Regulation.

Removing infrastructural bottlenecks to establish supply routes for non-Russian energy imports in sufficient quantity would be a prerequisite to address the consequences of the application of the REPowerEU Regulation. Despite this fact, the European Commission still refuses to support the development of fossil fuel infrastructure with EU funds.

Finally, the establishment of more partner country categories together with differentiated authorisation procedures leads to potential discrimination among external gas suppliers, causing commercial and legal challenges.

As a result, Hungary votes against the REPowerEU Regulation and reserves its right to seek its annulment before the Court of Justice of the EU.

At the same time Hungary acknowledges that certain provisions are mirroring the text of the 19th sanction package against the Russian Federation. Hungary states that such legislative method should apply to any potential new measures covering the subject of the sanctions package against the Russian Federation.

Consequently, Hungary stresses that in order to ensure the highest possible degree of legal certainty to Union operators, also to provide clarity about the applicable legal provisions under Union law, the coherence and consistency between different EU laws and policies shall be respected including the exemptions and derogations in Regulation (EU) No 833/2014 as in force at the time.

**Slovakia has requested that the following statement be entered in the Council minutes**

The Slovak Republic supports the efforts aimed at gradually reducing dependence on imported fossil fuels. However, such efforts must duly reflect the geographical, infrastructural and economic specificities of the most affected Member States, as well as existing legal constraints.

The Slovak Republic therefore votes against the adoption of the REPowerEU Regulation due to its anticipated negative economic and financial impacts and its potential adverse effects on security of supply.

The Slovak Republic, as a landlocked country without direct access to LNG and oil terminals, has invested significantly and developed gas interconnectors with all neighbouring countries in order to strengthen energy security. However, existing infrastructure bottlenecks outside Slovak territory continue to limit the possibility to diversify gas supplies and to import sufficient volumes in an efficient and cost-effective manner within the proposed timeline. The Regulation does not adequately reflect these constraints and fails to provide the most affected Member States with appropriate instruments to address them.

Furthermore, the Slovak energy system has historically relied on imports of fossil fuels from the Russian Federation secured under long-term contracts. The premature termination of these contracts would expose the Slovak Republic and Slovak market participants to arbitration and other legal proceedings. The Regulation does not establish any safeguards or risk-mitigation framework to address these legal and financial consequences for affected Member States and importers.

Finally, the Slovak Republic reiterates its serious concerns regarding the choice of the legal basis of the Regulation, as well as its compatibility with the principles of proportionality and energy solidarity.