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*Regina BASTOS
Chair of the European Affairs
Committee
Assembleia da República
Palácio de S. Bento
P – 1249-068 LISBOA*

*cc. Eduardo FERRO RODRIGUES
President of the
Assembleia da República
Palácio de S. Bento
P – 1249-068 LISBOA*

Dear Chair,

The Commission would like to thank the Assembleia da República for its Opinion on the proposal for a Regulation of the European Parliament and of the Council concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010 {COM(2016) 52 final}.

The Commission welcomes the Assembleia da República's broad support for the aims of the proposal and is pleased to have this opportunity to provide a number of clarifications.

The Commission proposal for a Regulation on Security of Gas Supply (Gas SoS Regulation) introduces a mandatory regional cooperation in conducting risk assessment and drawing up the Emergency and Preventive Action Plans. It also contains a proposal for regions defined on the basis of criteria listed in Article 3 (7). The existing Regulation No 994/2010 provides for voluntary regional cooperation between Member States. By introducing a mandatory regional cooperation in pre-defined regions in the field of security of supply, the Commission seeks to address the shortcomings of Regulation No 994/2010, which led to suboptimal results as regards the risk preparedness of Member States in the case of a gas supply disruption.

The proposed approach builds to the extent possible on existing regional cooperation structures established by the Member States and the Commission, particularly the regional groups set up under Regulation 347/2013 on guidelines for trans-European energy infrastructure¹ (TEN-E Regulation). However, since the Gas SoS Regulation and the TEN-E

¹ Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulation (EC) No 713/2009, (EC) 714/2009 and (EC) No 715/2009, OJ EU L 115 of 25.4.2013, p. 39.

Regulation have different objectives, the size and composition of the regional groups have been adapted to make them fit for purpose in the field of gas security of supply.

Member States are actively involved in the decision-making process on the design of the regions through their participation in the ongoing legislative process, namely the discussions in the Energy Working Party in the Council.

The Gas SoS Regulation introduces solidarity between the Member States in case of a very severe emergency. Such an emergency has never occurred in the European Union so far. Nevertheless, given the dependency of the EU on gas supply from outside the EU, the Commission considers it appropriate to increase the preparedness of Member States for such a situation.

As the security of gas supply has a strong cross-border dimension, the Commission proposes to extend the application of the Gas SoS Regulation to contracting parties of the Energy Community, to the extent that the contracting parties implement the provisions of the Gas SoS Regulation, so that the obligations of the Member States and the contracting parties will have a reciprocal character.

At the same time, it should be stressed that the Gas SoS Regulation gives a clear priority for tackling the security of supply issues with market measures, in order not to interfere in the functioning of the internal market and safeguard competition.

The points made above are based on the proposals presented by the Commission which are currently in the legislative process involving both the European Parliament and the Council in which the Portuguese government is represented.

The Commission looks forward to continuing the political dialogue with the Assembleia da República in the future.

Yours faithfully,

*Frans TIMMERMANS
First Vice-President*

*Miguel ARIAS CAÑETE
Member of the Commission*