



EUROPEAN COMMISSION

*Brussels, 12.8.2016
C(2016) 5294 final*

*Mr Florin IORDACH
President of the Camera Deputaților
Palace of the Parliament
Str. Izvor nr. 2-4, sector 5
RO – 050563 BUCHAREST*

Dear President,

The Commission would like to thank the Camera Deputaților 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 Camera Deputaților's conclusion that the proposal would have a substantial positive impact on the security of gas supply. At the same time, the Commission has taken note of the recommendations proposed by the Camera Deputaților and is pleased to offer the following explanations.

The proposal introduces a mandatory regional cooperation for the purposes of conducting risk assessments and drawing up Emergency and Preventive Action Plans. It also contains a proposal for the composition of the regions, which to the extent possible builds 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 objectives of the proposed Regulation and those of the TEN-E Regulation are different, a number of additional criteria listed in Article 3 (7) of the proposal were taken into account when proposing the design of the regions, namely the possibility to pool resources and balance risks of security of gas supply across the region as well as the existing and planned interconnection and their capacity. The Member States would be free to establish a cooperation mechanism that they find most suitable for a given region within that framework. The Commission would be actively involved in facilitating regional cooperation if Member States request the Commission's support. The Commission would also assess the Preventive Action Plans and the Emergency Plans drawn up by the Member States, request amendments, if necessary, and ultimately adopt a decision approving the plans.

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.

Member States are actively involved in the decision-making process concerning the design of the regions through their participation in the ongoing legislative process, i.e. the discussions in the Energy Working Party in the Council. All issues related to regional cooperation and plans would be discussed in the Gas Coordination Group.

The proposal 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. The Commission acknowledges that Romania is one of the few Member States that have noteworthy gas resources and can provide support to neighbours in case of an emergency crisis. The proposal would make sure that any support mechanism in the framework of regional cooperation and application of the solidarity principle is based on the principles of proportionality and non-discrimination, reasonable rights and obligations and would also be balanced by a fair compensation mechanism.

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

The proposal would give a clear priority for tackling the security of supply issues with market measures, so as not to interfere in the functioning of the internal market and preserve competition. Gas companies are free to participate in a voluntary demand aggregation mechanism to the extent that such a mechanism remains compliant with WTO rules and EU competition law.

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

The Commission hopes that the clarifications provided in this reply address the issues raised by the Camera Deputaților and looks forward to continuing the political dialogue in the future.

Yours faithfully,

Violeta Bulc

Member of the Commission