



Zittingsdocument

A8-0143/2018

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VERSLAG

over het voorstel voor een richtlijn van het Europees Parlement en de Raad tot wijziging van Richtlijn 2009/73/EG betreffende gemeenschappelijke regels voor de interne markt voor aardgas
(COM(2017)0660 – C8-0394/2017 – 2017/0294(COD))

Commissie industrie, onderzoek en energie

Rapporteur: Jerzy Buzek

Verklaring van de gebruikte tekens

- * Raadplegingsprocedure
- *** Goedkeuringsprocedure
- ***I Gewone wetgevingsprocedure (eerste lezing)
- ***II Gewone wetgevingsprocedure (tweede lezing)
- ***III Gewone wetgevingsprocedure (derde lezing)

(De aangeduide procedure is gebaseerd op de in de ontwerptekst voorgestelde rechtsgrond.)

Amendementen op een ontwerphandeling

Amendementen van het Parlement in twee kolommen

Geschrapte tekstdelen worden in de linkerkolom in *vet cursief* aangegeven. Vervangen tekstdelen worden in beide kolommen in *vet cursief* aangegeven. Nieuwe tekst wordt in de rechterkolom in *vet cursief* aangegeven.

In de eerste en tweede regel van de koptekst boven elk amendement wordt verwezen naar het tekstdeel in kwestie van de ontwerphandeling. Indien een amendement betrekking heeft op een bestaande handeling, waarop in de ontwerphandeling wijzigingen worden voorgesteld, bevat de koptekst bovendien een derde en vierde regel, die verwijzen naar de bestaande handeling respectievelijk naar de bepaling in kwestie.

Amendementen van het Parlement in de vorm van een geconsolideerde tekst

Nieuwe tekstdelen worden in *vet cursief* aangegeven. Geschrapte tekstdelen worden aangegeven met het symbool ¶ of worden doorgestreept. Waar tekstdelen vervangen worden, wordt de nieuwe tekst in *vet cursief* aangegeven, terwijl de vervangen tekst wordt geschrapt of doorgestreept. Bij wijze van uitzondering worden zuiver technische wijzigingen die de diensten aanbrengen met het oog op de opstelling van de definitieve tekst, niet gemarkeerd.

INHOUD

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ONTWERPWETGEVINGSRESOLUTIE VAN HET EUROPEES PARLEMENT

over het voorstel voor een richtlijn van het Europees Parlement en de Raad tot wijziging van Richtlijn 2009/73/EG betreffende gemeenschappelijke regels voor de interne markt voor aardgas
(COM(2017)0660 – C8-0394/2017 – 2017/0294(COD))

(Gewone wetgevingsprocedure: eerste lezing)

Het Europees Parlement,

- gezien het voorstel van de Commissie aan het Europees Parlement en de Raad (COM(2017)0660),
 - gezien artikel 294, lid 2, en artikel 194, lid 2, van het Verdrag betreffende de werking van de Europese Unie, op grond waarvan het voorstel door de Commissie bij het Parlement is ingediend (C8-0394/2017),
 - gezien artikel 294, lid 3, van het Verdrag betreffende de werking van de Europese Unie,
 - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the French Senate, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - gezien het advies van het Europees Economisch en Sociaal Comité van ...¹,
 - gezien het advies van het Comité van de Regio's van ...²,
 - gezien artikel 59 van zijn Reglement,
 - gezien het verslag van de Commissie industrie, onderzoek en energie (A8-0143/2018),
1. stelt onderstaand standpunt in eerste lezing vast;
 2. verzoekt de Commissie om hernieuwde voorlegging aan het Parlement indien zij haar voorstel vervangt, ingrijpend wijzigt of voornemens is het ingrijpend te wijzigen;
 3. verzoekt zijn Voorzitter het standpunt van het Parlement te doen toekomen aan de Raad en aan de Commissie alsmede aan de nationale parlementen.

Amendment 1

Proposal for a directive

Recital 3

¹ ...
² ...

Text proposed by the Commission

(3) This Directive seeks to address the remaining obstacles to the completion of the internal market in natural gas resulting from the non-application of Union market rules to gas pipelines to and from third countries. The amendments introduced by this Directive will ensure that the rules applicable to gas transmission pipelines connecting two or more Member States, are also applicable to pipelines to and from third countries within the Union. This will establish consistency of the legal framework within the Union while avoiding distortion of competition in the internal energy market in the Union. It will also enhance transparency and provide legal certainty as regards the applicable legal regime to market participants, in particular investors in gas infrastructure and network users.

Amendment

(3) This Directive seeks to address the remaining obstacles to the completion of the internal market in natural gas resulting from the non-application of Union market rules to gas pipelines to and from third countries. The amendments introduced by this Directive will ensure that the rules applicable to gas transmission pipelines connecting two or more Member States, are also applicable to pipelines to and from third countries within the Union ***that have a significant impact on the Union's internal market in natural gas***. This will establish consistency of the legal framework within the Union ***as well as provide for necessary reflection of strategic interests of all Member States and the Union's overall security of supply and energy independence***, while avoiding distortion of competition in the internal energy market in the Union. It will also enhance transparency and provide legal certainty as regards the applicable legal regime to market participants, in particular investors in gas infrastructure and network users.

Amendment 2

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) To ***take account of the previous lack of specific*** Union rules ***applicable to*** gas pipelines to and from third countries, Member States should be able to grant derogations from certain provisions of Directive 2009/73/EC to such pipelines which ***are*** completed ***at*** the date of ***entry into force*** of this Directive. The relevant date for the application of unbundling models other than ownership unbundling should be adapted for gas pipelines to and

Amendment

(4) In order to ***complete the Energy Union and to apply its rules to*** gas pipelines to and from third countries, ***in full accordance with Union legislation***, Member States should be able to grant derogations from certain provisions of Directive 2009/73/EC to such pipelines which ***were*** completed ***before*** the date of ***adoption*** of this ***proposal, only after a recommendation from the Commission, in particular as regards the competition on,***

from third countries.

and the functioning and the effectiveness of, the internal energy market, security of supply and diversification of energy sources and suppliers. The relevant date for the application of unbundling models other than ownership unbundling should be adapted for gas pipelines to and from third countries.

Amendment 3

Proposal for a directive Recital 5

Text proposed by the Commission

(5) The applicability of Directive 2009/73/EC for gas pipelines to and from third countries remains confined to the territorial limit of Union's jurisdiction. As regards offshore pipelines, it should be applicable in the territorial waters and exclusive economic zones of the Member States.

Amendment

(5) The applicability of Directive 2009/73/EC for gas pipelines to and from third countries remains confined to the territorial limit of Union's jurisdiction. As regards offshore pipelines, it should be applicable in the territorial waters and exclusive economic zones of the Member States, *in accordance with the United Nations Convention on the Law of the Sea (UNCLOS).*

Amendment 4

Proposal for a directive Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Member States should take concrete measures to assist in the wider use of biogas and gas from biomass, green hydrogen and synthetic methane from renewable energy, the producers of which should be granted non-discriminatory access to the gas system, provided that such access is compatible on an ongoing basis with the relevant technical rules and safety standards.

Amendment 5

Proposal for a directive

Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) Member States should ensure that, taking into account the necessary quality requirements, biogas and gas from biomass, green hydrogen and synthetic methane from renewable energy, or other types of gas are granted non-discriminatory access to the gas system, provided such access is permanently compatible with the relevant technical rules and safety standards. Those rules and standards should ensure that those gases can technically and safely be injected into, and transported through the natural gas system and should also address their chemical characteristics.

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point -1 (new)

Directive 2009/73/EC

Article 1 – paragraph 2

Present text

Amendment

2. The rules established by this Directive for natural gas, including LNG, shall also apply in a non-discriminatory way to biogas and gas from biomass or other types of gas in so far as such gases can technically and safely be injected into, and transported through, the natural gas system.

(-1) in Article 1, paragraph 2 is replaced by the following:

"2. The rules established by this Directive for natural gas, including LNG, shall also apply in a non-discriminatory way to biogas and gas from biomass, **green hydrogen and synthetic methane from renewable energy**, or other types of gas in so far as such gases can technically and safely be injected into, and transported through, the natural gas system."

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:211:0094:0136:de:PDF>)

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point -1 a (new)

Directive 2009/73/EC

Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(-1a) in Article 1, the following paragraph is added:

“2 a. With regard to gas infrastructure connecting a Member State to a third country, this Directive applies within the territorial limit of Union’s jurisdiction. As regards offshore pipelines, this Directive applies in the territorial waters and exclusive economic zones of the Member States.”

Amendment 8

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2009/73/EC

Article 2 – point 17

Text proposed by the Commission

Amendment

(17) ‘interconnector’ means a transmission line which crosses or spans a border between Member States or between Member States and third countries up to the border of Union jurisdiction;

(17) ‘**gas** interconnector’ means a transmission line, ***including its physical entry points from and exit points to a third country***, which crosses or spans a border between Member States or between Member States and third countries up to the border of Union jurisdiction, ***including the territorial waters and exclusive economic zones of the Member States***;

Amendment 9

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point a-a new

Directive 2009/73/EC

Article 9 – paragraph 8 – subparagraph 2a new

Text proposed by the Commission

Amendment

(aa) in paragraph 8, the following subparagraph is added: ;

Any decision taken pursuant to point (b) of the first subparagraph of this paragraph shall be notified to the Commission without delay, together with all the information relevant thereto.

Amendment 10

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive 2009/73/EC

Article 9 – paragraph 9 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Any decision taken pursuant to point (b) of the first subparagraph of this paragraph shall be notified to the Commission without delay, together with all the information relevant thereto;

Amendment 11

Proposal for a directive

Article 1 – paragraph 1 – point 4 a (new)

Directive 2009/73/EC

Article 34 – paragraph 4 – fourth sentence

Text proposed by the Commission

Amendment

(4a) In Article 34, paragraph 4, the following fourth sentence is added:

Where the third countries subject to such consultation do not respond to the consultations, the Member States concerned may take the necessary decision.

[The reference in the header relating to the amending act (“Article 1 – paragraph 1 – point 4a (new)”) corresponds to “Article 1 – paragraph 1 – point 3 a (new)” of the Commission’s Proposal. This discrepancy is caused by the incorrect numbering (Article 1, paragraph 1,

point 3 is duplicated) in the Commission's proposal in all the language versions except for Hungarian.]

Amendment 12

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point -a (new)

Directive 2009/73/EC

Article 36 – paragraph 1

Present text

1. Major new gas infrastructure, i.e. interconnectors, LNG and storage facilities, may, upon request, be exempted, for a defined period of time, from the provisions of Articles 9, 32, 33 and 34 and Article 41(6), (8) and (10) **under** the following conditions:

- (a) the investment must enhance competition in gas supply and enhance security of supply
- (b) the level of risk attached to the investment must be such that the investment would not take place unless an exemption was granted;
- (c) the infrastructure must be owned by a natural or legal person which is separate at least in terms of its legal form from the system operators in whose systems that infrastructure will be built;
- (d) charges must be levied on users of that infrastructure; and
- (e) the exemption must not be detrimental to competition **or** the effective functioning of the internal market in natural gas, **or** the efficient functioning of the regulated **system to which the infrastructure is connected**;

Amendment

(-a) paragraph 1 is replaced by the following:

"1. Major new gas infrastructure, i.e. **gas** interconnectors, LNG and storage facilities **starting commercial operation after 1 January 2019**, may, upon request, be exempted, for a defined period of time of **not longer than 5 years**, from the provisions of Articles 9, 32, 33 and 34 and Article 41(6), (8) and (10) **if** the following **cumulative** conditions **are fulfilled**:

- (a) the investment must enhance competition in gas supply and enhance security of supply;
- (b) the level of risk attached to the investment must be such that the investment would not take place unless an exemption was granted;
- (c) the infrastructure must be owned by a natural or legal person which is separate at least in terms of its legal form from the system operators in whose systems that infrastructure will be built;
- (d) charges must be levied on users of that infrastructure; and
- (e) the exemption must not be detrimental to competition **in the relevant markets which are likely to be affected by the investment**, to the effective functioning of the **Union's** internal market in natural gas, the efficient functioning of the **concerned** regulated systems, **or to the diversification and security of supply of natural gas to and within the Union or**

any Member State."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1520584216051&uri=CELEX:32009L0073>)

[The reference in the header relating to the amending act ("Article 1 – paragraph 1 – point 5 – point -a (new)") corresponds to "Article 1 – paragraph 1 – point 4 – point -a (new)" of the Commission's Proposal. This discrepancy is caused by the incorrect numbering (Article 1, paragraph 1, point 3 is duplicated) in the Commission's proposal in all the language versions except for Hungarian.]

Amendment 13

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point a

Directive 2009/73/EC

Article 36 – paragraph 3 – second sentence

Text proposed by the Commission

Where the infrastructure in question is under the jurisdiction of a Member State and one (or more) third countries, the national regulatory ***authority shall consult the relevant authorities of the third countries prior to adopting a*** decision.;

Amendment

Before adopting the decision, the national regulatory authority shall consult:

(a) the national regulatory authorities of the Member States the markets of which are likely to be affected by the new infrastructure; and

(b) the relevant authorities of the third countries, where the infrastructure in question is under the jurisdiction of a Member State and one (or more) third countries.

Where the third country authorities subject to such consultation do not respond to the consultation within 3 months, the national regulatory authority concerned may take the necessary decision.

[The reference in the header relating to the amending act ("Article 1 – paragraph 1 – point 5 – point a (new)") corresponds to "Article 1 – paragraph 1 – point 4 – point a (new)" of the Commission's Proposal. This discrepancy is caused by the incorrect numbering (Article 1,

paragraph 1, point 3 is duplicated) in the Commission’s proposal in all the language versions except for Hungarian.]

Amendment 14

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point b

Directive 2009/73/EC

Article 36 – paragraph 4 – subparagraph 2 – second sentence

Text proposed by the Commission

Where the infrastructure in question is also under the jurisdiction of one or more third countries, the national regulatory authorities of the Member States shall consult the relevant authorities of the third countries prior to adopting a decision with a view to ensuring, as regards the concerned infrastructure, that the provisions of this Directive are applied consistently up to the border of Union jurisdiction.;

Amendment

Where the infrastructure in question is also under the jurisdiction of one or more third countries, the national regulatory authorities of the Member States shall consult the relevant authorities of the third countries prior to adopting a decision with a view to ensuring, as regards the concerned infrastructure, that the provisions of this Directive are applied consistently up to the border of Union jurisdiction. ***Any such decision shall be notified to the Commission without delay, together with all information relevant thereto;***

Where the third-country authorities subject to such consultation do not respond to the consultation within 3 months, the national regulatory authority concerned may take the necessary decision.

[The reference in the header relating to the amending act (“Article 1 – paragraph 1 – point 5 – point b”) corresponds to “Article 1 – paragraph 1 – point 4 – point b” of the Commission’s Proposal. This discrepancy is caused by the incorrect numbering (Article 1, paragraph 1, point 3 is duplicated) in the Commission’s proposal in all the language versions except for Hungarian.]

Amendment 15

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point b a (new)

Present text

In deciding to grant an exemption, consideration shall be given, on a case-by-case basis, to the need to impose conditions regarding the duration of the exemption and non-discriminatory access to the infrastructure. When deciding on those conditions, account shall, in particular, be taken of the additional capacity to be built or the modification of existing capacity, the time horizon of the project and national circumstances.

Amendment

(ba) paragraph 6 subparagraph 2 is replaced by the following:

"In deciding to grant an exemption, consideration shall be given, on a case-by-case basis, to the need to impose conditions regarding the duration of the exemption and non-discriminatory access to the infrastructure. When deciding on those conditions, account shall, in particular, be taken of the additional capacity to be built or the modification of existing capacity, the time horizon of the project and national circumstances, ***as well as of the diversification and security of the supply of natural gas to and within the Union or any Member State.***"

[The reference in the header relating to the amending act ("Article 1 – paragraph 1 – point 5 – point ba (new)") corresponds to "Article 1 – paragraph 1 – point 4 – point ba (new)" of the Commission's Proposal. This discrepancy is caused by the incorrect numbering (Article 1, paragraph 1, point 3 is duplicated) in the Commission's proposal in all the language versions except for Hungarian.]

Amendment 16

Proposal for a directive

Article 1 – paragraph 1 – point 5 – point b b (new)

Directive 2009/73/EC

Article 36 – paragraph 9 – subparagraph 1

Present text

Within a period of two months from the day following the receipt of a notification, the Commission may take a decision requiring the regulatory authority to amend or withdraw the decision to grant an exemption. ***That*** two-month period may be

Amendment

(bb) paragraph 9 subparagraph 1 is replaced by the following:

"Within a period of two months from the day following the receipt of a notification, the Commission may take a decision requiring the regulatory authority to amend or withdraw the decision to grant an exemption. ***When taking such a decision***

extended by an additional period of two months where further information is sought by the Commission. That additional period shall begin on the day following the receipt of the complete information. The initial two-month period may also be extended with the consent of both the Commission and the regulatory authority.

concerning new gas infrastructure leading to and from a third country, the Commission shall take into account any Union restrictive measures, such as economic sanctions, imposed on that third country. The two-month period may be extended by an additional period of two months where further information is sought by the Commission. That additional period shall begin on the day following the receipt of the complete information. The initial two-month period may also be extended with the consent of both the Commission and the regulatory authority."

(<http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1520584216051&uri=CELEX:32009L0073>)

[The reference in the header relating to the amending act (“Article 1 – paragraph 1 – point 5 – point bb (new)”) corresponds to “Article 1 – paragraph 1 – point 4 – point bb (new)” of the Commission’s Proposal. This discrepancy is caused by the incorrect numbering (Article 1, paragraph 1, point 3 is duplicated) in the Commission’s proposal in all the language versions except for Hungarian.]

Amendment 17

Proposal for a directive

Article 1 – paragraph 1 – point 6 a (new)

Directive 2009/73/EC

Article 41 – paragraph 8

Present text

8. In fixing or approving the tariffs or methodologies and the balancing services, the regulatory authorities shall ensure that transmission and distribution system operators are granted appropriate incentive, over both the short and long term, to increase efficiencies, foster market integration and security of supply and support the related research activities.

Amendment

(6a) in Article 41, paragraph 8 is replaced by the following :

“8. In fixing or approving the tariffs or methodologies and the balancing services, the regulatory authorities shall ensure that transmission and distribution system operators are granted appropriate incentive, over both the short and long term, to increase efficiencies, foster market integration and security of supply and support the related research activities. ***As regards infrastructure connecting a Member State to a third country between***

the border of the Union jurisdiction and the first interconnection point with the Union network, tariffs or methodologies shall take into account all costs of the project.”

[The reference in the header relating to the amending act (“Article 1 – paragraph 1 – point 6a (new)”) corresponds to “Article 1 – paragraph 1 – point 5 a (new)” of the Commission’s Proposal. This discrepancy is caused by the incorrect numbering (Article 1, paragraph 1, point 3 is duplicated) in the Commission’s proposal in all the language versions except for Hungarian.]

Amendment 18

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2009/73/EC

Article 42 – paragraph 6

Text proposed by the Commission

6. Regulatory authorities shall consult and cooperate with the relevant authorities of third countries in relation to the operation of gas pipelines to and from third countries with a view to ensuring, as regards the concerned infrastructure, that the provisions of this Directive are applied consistently up to the border of Union jurisdiction.

Amendment

6. Regulatory authorities shall consult and cooperate with the relevant authorities of third countries in relation to the operation of gas pipelines to and from third countries with a view to ensuring, as regards the concerned infrastructure, that the provisions of this Directive are applied consistently up to the border of Union jurisdiction.

Where the third-country authorities subject to such consultation do not respond to the consultation within 3 months, the national regulatory authorities concerned may take the necessary decision.

[The reference in the header relating to the amending act (“Article 1 – paragraph 1 – point 7”) corresponds to “Article 1 – paragraph 1 – point 6” of the Commission’s Proposal. This discrepancy is caused by the incorrect numbering (Article 1, paragraph 1, point 3 is duplicated) in the Commission’s proposal in all the language versions except for Hungarian.]

Amendment 19

Proposal for a directive

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Article 1 – paragraph 1 – point 8
Directive 2009/73/EC
Article 49 – paragraph 9 – subparagraph 1

Text proposed by the Commission

In respect of gas pipelines to and from third countries completed before [PO: date of **entry into force** of this *Directive*], Member States may decide to derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, provided that the derogation would not be detrimental to competition on or the effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union.

Amendment

In respect of gas pipelines to and from third countries completed before [PO: date of **adoption** of this *proposal*], Member States, **after the recommendation from the Commission**, may decide to **temporarily** derogate from Articles 9, 10, 11 and 32 and Article 41(6), (8) and (10) for the sections of such pipelines between the border of Union jurisdiction and the first interconnection point, provided that the derogation would not be detrimental to competition on or the effective functioning of the internal market in natural gas in the Union, or the security of supply in the Union. **Any such draft derogation shall be notified to the Commission, to the Gas Coordination Group and to the Agency without delay, together with all the information relevant thereto, and with a detailed analysis of the effect of the derogation and the gas pipeline on the internal market in natural gas and the security of supply in the Union. Within a period of three months from the day following the receipt of such notification, the Commission shall issue a recommendation on the compliance of the derogation with applicable rules on competition, effective market functioning, security of supply in the Union and with the relevant Union energy policy principles and core objectives, including those of the Energy Union. For cases with particularly complex characteristics, the Commission may extend the period referred to in this paragraph by 3 additional months. The Gas Coordination Group and the Agency may submit their observations to the Commission regarding the compliance of the draft derogation with the principles outlined in this Article. The Commission shall immediately make the recommendation public. The Member**

States concerned shall take utmost account of the Commission's recommendation. Where the Member State concerned deviates from the Commission's recommendation, that Member State shall provide a well-substantiated justification, based on reliable data and objective criteria and make such justification public. In no event shall a derogation be given before the Commission issues the recommendation or before the time limit for issuing of such recommendation expires.

[The reference in the header relating to the amending act ("Article 1 – paragraph 1 – point 8") corresponds to "Article 1 – paragraph 1 – point 7" of the Commission's Proposal. This discrepancy is caused by the incorrect numbering (Article 1, paragraph 1, point 3 is duplicated) in the Commission's proposal in all the language versions except for Hungarian.]

Amendment 20

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2009/73/EC

Article 49 – paragraph 9 – subparagraph 2

Text proposed by the Commission

The derogation shall be limited in time and **may** be subject to conditions which contribute to the achievement of the above conditions.

Amendment

The derogation shall be limited in time and **shall** be subject to conditions which contribute to the achievement of the above conditions.

[The reference in the header relating to the amending act ("Article 1 – paragraph 1 – point 8") corresponds to "Article 1 – paragraph 1 – point 7" of the Commission's Proposal. This discrepancy is caused by the incorrect numbering (Article 1, paragraph 1, point 3 is duplicated) in the Commission's proposal in all the language versions except for Hungarian.]

Amendment 21

Proposal for a directive

Article 1 – paragraph 1 – point 8

Text proposed by the Commission

Where the gas pipeline in question is located in the jurisdiction of more than one Member State, the Member State in the jurisdiction of which the first **interconnection** point is located shall decide on a derogation for the pipeline.

Amendment

Where the gas pipeline in question is located in the jurisdiction of more than one Member State, the Member State in the jurisdiction of which the first **physical exit** point **from the interconnector** is located shall decide on a derogation for the pipeline. ***Before granting such a derogation, the Member State in the jurisdiction of which the first interconnection point is located shall consult the Member States with which this Member State's infrastructure is connected, and shall provide those Member States with all relevant information, and shall take the opinion of those Member States into account.***

[The reference in the header relating to the amending act (“Article 1 – paragraph 1 – point 8”) corresponds to “Article 1 – paragraph 1 – point 7” of the Commission’s Proposal. This discrepancy is caused by the incorrect numbering (Article 1, paragraph 1, point 3 is duplicated) in the Commission’s proposal in all the language versions except for Hungarian.]

Amendment 22

Proposal for a directive Article 2 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [PO: **one year** after the date of entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [PO: **three months** after the date of entry into force **of this amending Directive**] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

TOELICHTING

Energieveiligheid en het waarborgen van betaalbare en duurzame energie voor alle Europese consumenten zijn de belangrijkste doelstellingen van de strategie voor de energie-unie die op 25 februari 2015 door de Commissie is vastgesteld. Om deze doelstellingen te verwezenlijken is een samenhangend en stabiel wettelijk kader nodig. De rapporteur toont zich dan ook verheugd over de vaststelling van het voorstel tot wijziging van de bestaande gasrichtlijn door de Commissie, die hiermee tegemoetkomt aan herhaalde oproepen van leden van het Europees Parlement. Naar de mening van de rapporteur toont dit voorstel, met zijn beperkte reikwijdte en veeleer technische inhoud, dat ruimere bepalingen van de richtlijn reeds algemeen toegepast worden. Hij is er echter van overtuigd dat de voorgestelde herziening een antwoord biedt op de lacunes in de regelgeving die het gevolg zijn van uiteenlopende interpretaties van de bestaande wetgeving en de selectieve benadering van sommige lidstaten en sommige marktdeelnemers bij de toepassing van de richtlijnen van het derde energiepakket op gaspijplijnen die de Europese Unie binnenkomen.

Ongeacht artikel 194 van het Verdrag betreffende de Europese Unie (het "Verdrag van Lissabon") laat de bijgewerkte richtlijn 2009/73/EG van het Europees Parlement en de Raad geen enkele ruimte voor twijfel of onjuiste interpretatie met betrekking tot het feit dat de energievoorschriften van de Unie volledig van toepassing zijn op alle gasinfrastructuur van en naar derde landen tot de territoriale grenzen van het rechtsgebied van de Unie. Wat betreft offshorepijpleidingen zijn de voorschriften van de Unie van toepassing in de territoriale wateren en de exclusieve economische zones van de lidstaten. Deze voorschriften omvatten de scheiding van transportnetbeheerders, toegang voor derde partijen, tariefregelingen en transparantievereisten, en zijn van cruciaal belang voor het concurrentievermogen van de interne energiemarkt van de EU alsook voor de voorzieningszekerheid en energie-onafhankelijkheid, met name in de context van de toenemende gasinvoer van de Unie.

De rapporteur onderschrijft ook het voorstel van de Commissie om de definitie van "interconnector" aan te passen, zodat deze ook geldt voor infrastructuur die de EU met derde landen verbindt. Dat is volledig in overeenstemming met vroegere voorstellen van de Commissie in het kader van het pakket "Schone energie voor alle Europeanen" en vormt een nieuwe stap in de richting van de noodzakelijke compatibiliteit van de elektriciteits- en gasmarkten in de Unie.

Het voorstel van de Commissie tot wijziging van de geldende gasrichtlijn, dat volledige juridische duidelijkheid en transparantie geeft over de geldende wetgeving, verzekert volgens de rapporteur een gelijk speelveld voor alle deelnemers op de energiemarkt van de EU en biedt investeringszekerheid en -voorspelbaarheid op de lange termijn. Dit zijn sleutelementen voor elke betrouwbare investeerder of beheerder die bereid is zich te houden aan eerlijke en gelijke voorschriften. Deze elementen zijn echter ook van vitaal belang voor de Europese burgers en industrie. Zij versterken de marktconcurrentie en moeten dus leiden tot lagere prijzen en niet-discriminerende behandeling van alle klanten. Tot slot zijn de voorgestelde wijzigingen belangrijk voor de voltooiing en voor de veerkracht van onze energie-unie, gebaseerd op beginselen en waarden, niet op uitzonderingen.

Rekening houdend met wat voorafgaat, meent de rapporteur dat het voorstel van de Commissie aan het gestelde doel beantwoordt en tegemoetkomt aan de algemene

verwachtingen van het Europees Parlement. Hij stelt echter voor om de bepalingen aan te vullen en verder te versterken, in overeenstemming met de aanpak van de Commissie.

De rapporteur doet de onderstaande voorstellen.

- 1) Om alle twijfel over de territoriale reikwijdte van het rechtsgebied van de lidstaten weg te nemen, moet de territoriale toepasbaarheid van de richtlijn in de tekst ervan worden gepreciseerd, door de bewoordingen van overweging 5 van de preambule over te nemen. Deze verduidelijking biedt een grotere rechtszekerheid en helpt verdere onjuiste interpretaties van de gasrichtlijn te voorkomen, hetgeen de hoofddoelstelling van het Commissievoorstel is.
- 2) De nationale regelgevende instanties moeten het recht hebben om tarieven en methoden vast te stellen of goed te keuren waarin rekening wordt gehouden met alle kosten in verband met de aanleg en exploitatie van de gasinfrastructuur tussen de lidstaten en derde landen. Derhalve moeten alle kosten voor gasinfrastructuurprojecten tussen de lidstaten en derde landen naar behoren en op transparante wijze worden aangetoond.
- 3) Het kan weliswaar gerechtvaardigd zijn om voor reeds voltooide gasinfrastructuur te voorzien in de mogelijkheid van afwijking van bepaalde voorschriften van de richtlijn, maar de Europese Commissie moet naar behoren bij het desbetreffende besluit worden betrokken. Dit is noodzakelijk om een zo groot mogelijke samenhang van de regelgeving op de interne markt te handhaven en om ervoor te zorgen dat een dergelijke afwijking niet ten koste gaat van de efficiënte werking van de interne markt voor aardgas, van de energievoorzieningszekerheid in de Unie of van de relevante beginselen van het energiebeleid van de Unie, met inbegrip van de hoofddoelstellingen van de energie-unie. Met het oog op de verdere voltooiing van de interne energiemarkt van de Unie moet de duur van een afwijking van bepaalde voorschriften van de richtlijn uitdrukkelijk in de tekst worden vermeld en mag een afwijking niet langer duren dan tien jaar na de inwerkingtreding van de wijzigingsrichtlijn.
- 4) Gezien de beperkte reikwijdte en het technische karakter van het Commissievoorstel, alsook het feit dat het duidelijkheid schept over de toepasbaarheid van het derde energiepakket op projecten waarbij derde landen betrokken zijn, moet een periode van drie maanden voor omzetting volstaan.

PROCEDURE VAN DE BEVOEGDE COMMISSIE

| | | | |
|---|--|--------------------|--------------------|
| Titel | Gemeenschappelijke regels voor de interne markt voor aardgas | | |
| Document- en procedurenummers | COM(2017)0660 – C8-0394/2017 – 2017/0294(COD) | | |
| Datum indiening bij EP | 8.11.2017 | | |
| Bevoegde commissie Datum bekendmaking | ITRE 29.11.2017 | | |
| Medeadviserende commissies Datum bekendmaking | ECON 29.11.2017 | ENVI 29.11.2017 | IMCO 29.11.2017 |
| Geen advies Datum besluit | ECON 23.1.2018 | ENVI 13.12.2017 | IMCO 4.12.2017 |
| Rapporteurs Datum benoeming | Jerzy Buzek 17.11.2017 | | |
| Behandeling in de commissie | 28.11.2017 | 11.1.2018 | 22.2.2018 |
| Datum goedkeuring | 21.3.2018 | | |
| Uitslag eindstemming | +: –: 0: | 41 13 9 | |
| Bij de eindstemming aanwezige leden | Zigmantas Balčytis, Nikolay Barekov, Bendt Bendtsen, Xabier Benito Ziluaga, José Blanco López, Jonathan Bullock, Cristian-Silviu Buşoi, Reinhard Bütikofer, Jerzy Buzek, Angelo Ciocca, Edward Czesak, Jakop Dalunde, Pilar del Castillo Vera, Ashley Fox, Adam Gierek, Theresa Griffin, Rebecca Harms, Hans-Olaf Henkel, Eva Kaili, Kaja Kallas, Krišjānis Kariņš, Seán Kelly, Jeppe Kofod, Jaromír Kohlíček, Peter Kouroumbashev, Zdzisław Krasnodębski, Miapetra Kumpula-Natri, Christelle Lechevalier, Janusz Lewandowski, Paloma López Bermejo, Edouard Martin, Angelika Mlinar, Nadine Morano, Dan Nica, Angelika Niebler, Morten Helveg Petersen, Miroslav Poche, Dennis Radtke, Julia Reda, Paul Rübig, Massimiliano Salini, Algirdas Saudargas, Sven Schulze, Neoklis Sylikiotis, Dario Tamburrano, Patrizia Toia, Evžen Tošenovský, Claude Turmes, Vladimir Urutchev, Kathleen Van Brempt, Henna Virkkunen, Martina Werner, Hermann Winkler, Anna Záborská, Flavio Zanonato, Carlos Zorrinho | | |
| Bij de eindstemming aanwezige vaste plaatsvervangers | Gunnar Hökmark, Luděk Niedermayer, Răzvan Popa, Dominique Riquet, Pavel Telička | | |
| Bij de eindstemming aanwezige plaatsvervangers (art. 200, lid 2) | Gerolf Annemans, Rosa D'Amato | | |
| Datum indiening | 11.4.2018 | | |

HOOFDELIJKE EINDSTEMMING IN DE BEVOEGDE COMMISSIE

| 41 | + |
|-----------|---|
| ALDE | Kaja Kallas, Angelika Mlinar, Morten Helveg Petersen, Dominique Riquet, Pavel Telička |
| ECR | Nikolay Barekov, Edward Czesak, Ashley Fox, Hans-Olaf Henkel, Zdzisław Krasnodębski, Evžen Tošenovský |
| PPE | Bendt Bendtsen, Cristian-Silviu Buşoi, Jerzy Buzek, Gunnar Hökmark, Krišjānis Kariņš, Seán Kelly, Janusz Lewandowski, Angelika Niebler, Luděk Niedermayer, Paul Rübig, Algirdas Saudargas, Henna Virkkunen, Anna Záborská |
| S&D | Zigmantas Balčytis, José Blanco López, Adam Gierek, Jeppe Kofod, Miapetra Kumpula-Natri, Edouard Martin, Dan Nica, Miroslav Poche, Răzvan Popa, Kathleen Van Brempt, Flavio Zanonato, Carlos Zorrinho |
| VERTS/ALE | Reinhard Bütikofer, Jakop Dalunde, Rebecca Harms, Julia Reda, Claude Turmes |

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|---------|--|
| EFDD | Jonathan Bullock |
| ENF | Gerolf Annemans, Angelo Ciocca, Christelle Lechevalier |
| GUE/NGL | Jaromír Kohlíček, Neoklis Sylikiotis |
| PPE | Sven Schulze, Hermann Winkler |
| S&D | Theresa Griffin, Eva Kaili, Peter Kouroumbashev, Patrizia Toia, Martina Werner |

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| EFDD | Rosa D'Amato, Dario Tamburrano |
| GUE/NGL | Xabier Benito Ziluaga, Paloma López Bermejo |
| PPE | Pilar del Castillo Vera, Nadine Morano, Dennis Radtke, Massimiliano Salini, Vladimir Urutchev |

Verklaring van de gebruikte tekens:

+ : voor

- : tegen

0 : onthouding