



Brussels, 13.11.2015
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COMMISSION OPINION

of 13.11.2015

**under Regulation (EU) No 994/2010 on the Preventive Action Plan and Emergency Plan
submitted by the Competent Authority of the Portuguese Republic to the European
Commission**

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1. PROCEDURE

Article 4(1) of Regulation (EU) No 994/2010 ("Regulation") requires the Competent Authority of each Member State to establish a Preventive Action Plan ("PAP") and an Emergency Plan ("EP", together: "Plans"). In accordance with Article 5(4) and Article 10(2) of the Regulation, the Plans have to be updated every two years, unless circumstances require more frequent updates.

The Plans (as well as their updates) need to be based on the national Risk Assessment which each Competent Authority has to adopt and notify to the Commission before the adoption of the Plans pursuant to Article 9 of the Regulation. The Risk Assessment should make a full assessment of the risks affecting the security of gas supply in the Member State on the basis of the common elements which include, inter alia, running various scenarios of exceptionally high gas demand and supply disruption. The Risk Assessment has to be updated for the first time at the latest 18 months after the adoption of the Plans.

The Competent Authority of Portugal, the Directorate General of Energy and Geology, has notified its updated Risk Assessment pursuant to Article 9 of the Regulation to the Commission on 16 March 2015.

The Directorate General of Energy and Geology has consulted Spain on its Plans as well as the Commission.

The Directorate General of Energy and Geology notified to the Commission on 25 August 2015 its updated Preventive Action Plan and Emergency Plan.

The Commission considers it appropriate to communicate any comments on the updated Plans by using the same procedure and applying the same assessment criteria as set out in Article 4(6) of the Regulation in respect of the initial Plans.

Thus having assessed the Plans, as updated, in view of the criteria mentioned in Article 4(6)(b)(i) to (iii) of the Regulation, and having reported its main findings to the Gas Coordination Group on 28 January 2015, 4 May 2015 and 22 September 2015, the Commission notes as follows.

2. ASSESSMENT AND CONCLUSION

Based on the analysis of the Plans, the Commission concludes that they comply with the provisions of the Regulation, in light of the criteria in Article 4(6)(b) therein.

Therefore, the Commission has decided not to request amendments to the Portuguese Plans as foreseen in Article 4(6)(b) of the Regulation.

The Commission's assessment expressed in this opinion is without prejudice to any position it may take *vis-à-vis* Portugal as regards compatibility of national measures with EU law,

including in the context of infringement proceedings. In this context, the Commission reminds Portugal that if any of the investments in future infrastructure, LNG terminal, storage or interconnector referred to in section 5.2 of the PAP involves State resources they could constitute State aid within the meaning of Article 107(1) TFEU (if the other conditions therein are also met) and must be notified to the Commission under Article 108(3) TFEU unless they are caught by the General Block Exemption Regulation¹.

The Commission will publish this opinion. The Commission does not consider the information contained herein to be confidential, in particular as it relates to documents which are publicly available. The Directorate General of Energy and Geology is invited to inform the Commission within five working days following receipt of the opinion whether it considers that it contains commercially sensitive information, the confidentiality of which is to be preserved.

Done at Brussels, 13.11.2015

For the Commission
Miguel ARIAS CAÑETE
Member of the Commission

¹ Commission Regulation ([EU N°651/2014 of 17 June 2014](#)) declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1–78)