



Brussels, 1.10.2020
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COMMISSION DECISION

of 1.10.2020

on the revision of certain exemptions from the obligation to enable bi-directional capacity pursuant to Regulation (EU) 2017/1938 of the European Parliament and of the Council concerning measures to safeguard the security of gas supply

(Only the French, Dutch, German, Hungarian, Slovenian, Estonian and Latvian texts are authentic)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010¹, and in particular Article 5(4) thereof in conjunction with point 13 of Annex III thereto,

Whereas:

- (1) Regulation (EU) 2017/1938 emphasises the value of interconnectedness and cross-border cooperation for enhancing the security of supply of gas within the Union and promoting a well-functioning gas market.
- (2) A key element of this approach is to ensure that gas can flow to where it is needed, maximising the use of available infrastructure. The ‘gas supply standard’ introduced by Regulation (EU) 2017/1938 outlines concrete supply expectations for Member States to ensure gas supply to protected customers. Satisfying those minimum requirements can be assisted or in some cases dependent on infrastructure beyond the territory of individual Member States.
- (3) In principle, transmission system operators (TSOs) in the Union are obliged to enable permanent bi-directional capacity on all cross-border interconnections between Member States. Therefore, in the interest of furthering security of gas supply, any exemptions to bi-directional capacity must be well justified pursuant to point 5(b) of Annex III to Regulation (EU) 2017/1938. The approach provided for in Regulation (EU) 2017/1938 aims to ensure this.
- (4) A number of exemptions from the obligation to enable bi-directional capacity were granted under Regulation (EU) No 994/2010 of the European Parliament and of the Council², which was repealed by Regulation (EU) 2017/1938. Pursuant to point 13 of Annex III to Regulation (EU) 2017/1938, such exemptions remain valid unless the Commission or the other concerned Member State requests a revision or their duration expires.

¹ OJ L 280, 28.10.2017, p. 1.

² Regulation (EU) No 994/2010 of the European Parliament and of the Council of 20 October 2010 concerning measures to safeguard security of gas supply and repealing Council Directive 2004/67/EC (OJ L295, 12.11.2010, p.1).

- (5) A number of changes have occurred since those exemptions were granted, and the conditions under which they were granted have, in some cases, also changed. For example, shifting patterns of market demand have created a need for cross-border capacity in certain areas where previously it was not required, including due to the construction of new infrastructure. Moreover, the prospect of additional gas sources can significantly change the assumptions underlying an exemption decision. The overall security of supply policy objective remains however to ensure bi-directional capacity is enabled wherever it is in the interest of the Union and the number of one-directional interconnections is minimised.

HAS ADOPTED THIS DECISION:

Article 1

The exemptions from the obligation to enable bi-directional capacity granted under Regulation (EU) 994/2010 in respect of the following interconnection points shall be reviewed according to the procedure established in Annex III to Regulation (EU) 2017/1938:

Mosonmagyaróvár, between Austria and Hungary;

Murfeld – Ceršak, between Austria and Slovenia;

Blaregnies – Tasnières, for high calorific gas, between Belgium and France;

Karski, between Estonia and Latvia.

The coordinated decision referred to in point 5 of Annex III to Regulation (EU) 2017/1938 shall be adopted by the competent authorities of the Member States on both sides of each interconnection point referred to in the first paragraph by 31 January 2022 at the latest.

Article 2

This Decision is addressed to the Kingdom of Belgium, the Republic of Estonia, the French Republic, the Republic of Latvia, Hungary, the Republic of Austria and the Republic of Slovenia.

Done at Brussels, 1.10.2020

For the Commission
Kadri SIMSON
Member of the Commission

