



Amendments to the Gas Directive 2009/73/EC

EaP – 3rd Energy Panel, 17 June 2019

Topics

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Gas Directive 2009/73/EC

- **Market opening for commodity market**
- **Independent energy regulators**
- **Regulation of networks**
 - ✓ **Unbundling of transmission and supply/production**
 - ✓ **Third-party access to networks**
 - ✓ **Regulated network tariffs**
- **More detailed rules in Gas Regulation 715/2009 and Network Codes for gas**

Scope of Gas Directive (pre-amendment)

Network regulation

- **Transmission systems & transmission lines**
- **Upstream Pipeline Networks**
- **LNG facilities**
- **Interconnectors between Member States
(= transmission lines)**
- **Interconnectors with third countries?**

Amending Directive 2019/629

- **Entry into force on 23 May 2019**
- **Transposition by 22 February 2020**

- **Clarifies applicability to interconnectors between Member States and third countries**

- **Derogations for existing interconnectors with third countries**

- **Empowerment procedure for bilateral IGAs on pipeline operation**

Definition of 'interconnector'

Pre-amendment:

- "interconnector" means a transmission line which crosses or spans a border between Member States for the sole purpose of connecting the national transmission systems of those Member States

Post-amendment:

- "interconnector" means a transmission line which crosses or spans a border between Member States for the purpose of connecting the national transmission system of those Member States **or a transmission line between a Member State and a third country up to the territory of the Member States or the territorial sea of that Member State**

Derogations for existing interconnectors with third countries (new Article 49a)

- **Time-limited derogation from unbundling, third-party access and tariff regulation**
- **Condition: no detrimental impact of derogation on**
 - ✓ competition,
 - ✓ market functioning or
 - ✓ security of supply
- **Derogation is national decision and adopted on the basis of national procedure**
- **No derogation towards countries that apply Gas Directive**

Empowerment for bilateral IGAs

- **Gas Directive 2009/73/EC sets out common rules for pipeline operation (now clarified for third-country interconnectors)**
- **EU has exclusive competence for intergovernmental agreements (IGAs) on pipeline operation**
- **Amending Directive 2019/692 allows for *ad hoc* empowerment of Member States for bilateral IGAs**
- **Conditions for Commission approval:**
 - ✓ **Compatible with EU law**
 - ✓ **No detrimental impact on competition, markets and security of supply**
 - ✓ **Compatible with objectives of EU-level IGAs**
 - ✓ **Non-discriminatory**

Thank you for your attention!