

Commission seeks a mandate from Member States to negotiate with Russia an agreement on Nord Stream 2

The Commission seeks to ensure that, if built, Nord Stream 2 operates in a transparent and non-discriminatory way with an appropriate degree of regulatory oversight, in line with key principles of international and EU energy law.

The Vice-President for Energy Union Maroš Šefčovič said: *“Creating a well-diversified and competitive gas market is a priority of the EU’s energy security and Energy Union strategy. As we have stated already several times, Nord Stream 2 does not contribute to the Energy Union’s objectives. If the pipeline is nevertheless built, the least we have to do is to make sure that it will be operated in a transparent manner and in line with the main EU energy market rules.”*

Commissioner for Climate Action and Energy Miguel Arias Cañete said: *“As any other infrastructure project in the EU, Nord Stream 2 cannot and should not operate in a legal void or according to a third country’s energy laws only. We are seeking to obtain a Council mandate to negotiate with Russia a specific regime which will apply key principles of EU energy law to Nord Stream 2 to preserve the functioning of the European internal energy market”*.

The Commission is committed to the Energy Union objectives, including energy security. The priority is to create a well-diversified and competitive gas market. The work to consequently dismantle barriers to trade and supporting critical gas infrastructure is ongoing.

The Energy Union diversification strategy develops around priorities such as the implementation of the Southern Gas Corridor, the development of a liquid gas hub in the Mediterranean and through promoting access to Liquefied Natural Gas and gas storage for which the Commission adopted a strategy in February 2016.

The preference is a strong regional cooperation between the Member States and it is delivering concrete results: key gas infrastructures in the Baltic region are being implemented with financial support of the European Union, such as the Gas Interconnectors between Poland and Lithuania or the Balticconnector between Finland and Estonia. The Commission is also actively facilitating the establishment of a new northern corridor linking Norway to Poland through Denmark. Likewise the Commission is helping to abolish all barriers for the free flow of gas in Central and South East Europe and is supporting the construction of the necessary gas infrastructure in this region.

The Commission considers that the Nord Stream 2 project does not contribute to the Energy Union objectives of giving access to new supply sources, routes

or suppliers and that it could allow a single supplier to further strengthen its position on the European Union gas market and lead to a further concentration of supply routes. There is existing, well-functioning gas transportation infrastructure in place to ensure Europe's energy supply. Building Nord Stream 2, would, at the same time, endanger existing transport routes, notably via Ukraine.

While any on-shore pipeline to transport the gas coming through Nord Stream 2 in Europe would have to be in full compliance with the EU energy rules under the so-called Third Internal Energy Market legislative package, the off-shore section of the pipeline is in a specific situation given that part of it, including its only entry point lies outside the EU jurisdiction. Therefore the Commission asks the Council of Ministers for a mandate to negotiate a special legal framework, which would take into account fundamental principles stemming from international and EU energy law.

These principles include:

- transparency in pipeline operation,
- non-discriminatory tariff-setting,
- an appropriate level of non-discriminatory third party access and
- a degree of separation between activities of supply and transmission.

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[DG ENER website: imports and secure supplies](#)