

Gas directive: Council agrees negotiating mandate

EU member states' ambassadors meeting in the Committee of Permanent Representatives today gave a mandate to the Presidency of the Council to start negotiations with the European Parliament on an amendment to the gas directive. The proposed amendment aims to extend the application of the EU's gas market rules to pipelines to and from third countries.

The overall objective of the proposed amendment to the gas directive is to ensure that the rules governing the EU's internal gas market apply to gas transmission lines between a member state and a third country, up to the border of the member state's territory and territorial sea. This will make the EU's legal framework more consistent, enhance transparency and ensure legal certainty for both investors in gas infrastructure and users of the network.

To take account of the existing lack of specific rules applicable to pipelines between EU member states and third countries, the proposed amended directive foresees the possibility of granting derogations for existing pipelines. The negotiation mandate also foresees that technical agreements about the operation of pipelines that were concluded between transmission system operators should remain in force, provided they comply with EU law.

The negotiation mandate sets out a procedure for the negotiation of agreements between EU member states and third countries regarding the operation of a gas pipeline. The agreements could be used for example to resolve any potential incompatibilities between EU law and third country law. According to the proposal, member states wishing to enter into negotiations with a third country to conclude, amend or extend such an agreement that would have an impact on the EU's common rules would need to notify the Commission. For the part which could have an effect on EU rules, the Commission would then authorise the member state to enter into formal negotiations.

Background and next steps

The amendment to the gas directive was proposed by the European Commission in November 2017. The European Parliament adopted its position on the file in April 2018. Following today's agreement on the mandate, the Presidency of the Council can enter into negotiations with the European Parliament.

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