



Strengthening EU countries' hand in energy deals with non-EU ones

Committees: Committee on Industry, Research and Energy

A provisional deal with the Council to strengthen the hand of EU countries negotiating bilateral energy agreements with non-EU ones and pave the way for a common EU energy policy was endorsed by the Energy Committee on Tuesday.

The legislation should strengthen the hand of EU Member States in negotiating such deals by fostering cooperation among them. It would also enable the European Commission to support them in cases like that which arose in 2010, when the European Commission backed Poland's request for access to the Polish section of the Yamal natural gas pipeline (partly owned by Russian gas giant Gazprom).

Rapporteur Krišjānis Kariņš (EPP, LV) said: "This is an important first step in moving towards a common EU energy policy, which is ultimately in the best interests of EU citizens and consumers of energy. This legislation will increase transparency in energy supply agreements with third countries, thereby ensuring that EU law is adhered to. It will also create a base for coordinated action by Member States in the field of energy".

The committee approved the legislative resolution with 35 votes in favour, 19 against and no abstentions. The S&D and the Greens had already warned that they would vote against the agreed text, because they deem it insufficiently ambitious.

The legislative proposal, tabled by the European Commission last September, would require the creation of an information exchange mechanism between the Commission and the Member States on all inter-governmental agreements between Member States and third countries affecting the internal energy market and the EU's security of energy supply.

Sharing information on bilateral agreements

Member States would be required to submit to the Commission, within three months of the legislation's entry into force, all existing bilateral agreements with third countries. The Commission would then have nine months in which to inform the Member States concerned "if its first assessment has led to doubts on the compatibility with Union law" (EU competition law and internal energy market legislation).

The deal also says that Member States "may notify" the Commission of any new agreements, before or during negotiations. The Commission could then - at the request of the EU country concerned or on its own initiative, if the Member State agrees - take part in the negotiations as an observer and provide advice or suggest non-binding clauses.

Where a Member State negotiating an agreement has been "unable to reach a firm conclusion on the compatibility of the negotiated agreement with Union law" it would submit the agreement to the Commission, before closing the negotiations, and the Commission would then have four weeks in which to inform the Member State of any possible doubts.

Upon ratification of an agreement, Member States would be required to submit it to the Commission.

Confidentiality

Press release

MEPs added extra safeguard clauses to protect all parties involved. These say that the Commission would share received information with all Member States in a "secure electronic form" but only those parts which are not indicated by the EU country concerned as being confidential.

Review clause and reporting

MEPs also inserted a requirement that the Commission would report to Parliament and Council every three years on all new energy deals and assess by January 2016 "whether the scope and the procedure of this Decision are appropriate" to ensure the compliance of intergovernmental agreements with EU law and "a high level of coordination" among EU Member States.

Procedure: First reading

Vote in Plenary: September 2012

In the Chair: Patrizia Toia (S&D, IT)

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