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Commission

# **Solidarity under the Regulation on Security of Gas Supply**

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Energy

# Solidarity: from principle to instrument

- Solidarity in the Treaties
- Solidarity in the Energy Union: Security, solidarity and trust
- Solidarity in the secondary legislation
  - Council decision 77/706/EEC of 7.11.1977 on the setting of a Commission target for a reduction in the consumption of primary sources of energy in the event of difficulties in the supply of crude oil and petroleum products (OJ L 292 of 16.11.1977)
  - Regulation (EU) 2017/1938 of 25.10.2017 concerning measures to safeguard security of gas supply (Gas SoS Regulation) (OJ L 280 of 28.10.2017)
  - Commission Recommendation (EU) 2018/177 of 2.2.2018 on the elements to be included in the technical, legal and financial arrangements between Member states for the application of the solidarity mechanism (OJ L 32 of 6.2.2018)

# Solidarity in the Gas SoS Regulation

- Solidarity as operational instrument (Art.13)
  - Obligation to prioritise supplies to solidarity protected customers (households, essential social services) in a (directly connected) neighbouring Member State in a severe emergency over own non-solidarity-protected customers
- Solidarity is a right, not an obligation
  - ✓ Member State in severe emergency can notify an explicit solidarity request to the Commission and the directly connected Member States
- Solidarity is a last resort mechanism
  - ✓ Member States in severe emergency exhausted all market-based measures and all measures in the emergency plan
- Solidarity is not charity
  - ✓ Requesting Member States undertakes to pay compensation

# Practical application of solidarity

- Bilateral legal, technical and financial arrangements between Member States to be concluded by 1 December 2018
  - Gas producing Member States
- Issues to be considered in the arrangements:
  - Process: solidarity request, solidarity offer, acceptance of offer
  - Priority of solutions based on market logic
  - Gas volume, gas price, transport
  - Communication
  - Compensation
  - Arbitration (Art. 273 TFEU – Court of Justice in charge of dispute settlement)
- What happens if Member States do not conclude bilateral arrangements by 1 December 2018?



**Thank you!**

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