Solidarity under the Regulation on Security of Gas Supply

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Solidarity: from principle to instrument

• Solidarity in the Treaties
• Solidarity in the Energy Union: Security, solidarity and trust
• Solidarity in the secondary legislation
  - 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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