



DECISION OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

2025/09/MC-EnC amending Annex I to the Energy Community Treaty and adapting to and adopting in the Energy Community Regulation (EU) 2017/1938 as amended by Regulation (EU) 2025/1733 of the European Parliament and of the Council as regards the role of gas storage for securing gas supplies ahead of the winter season

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY,

Having regard to the Energy Community Treaty¹ and in particular Articles 24, 25 and 79 thereof,

Having regard to the proposal from the European Commission,

Whereas:

Regulation (EU) 2017/1938 of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010² ('Regulation (EU) 2017/1938') was adapted to and adopted in the Energy Community by the Ministerial Council Decision 2021/15/MC-EnC of 30 November 2021.

Regulation (EU) 2017/1938 as incorporated in the Energy Community was further amended by Decision 2022/01/MC-EnC of 30 September 2022 which adapted to and adopted in the Energy Community amendments to Regulation (EU) 2017/1938 introduced by Regulation (EU) 2022/1032³ of the European Parliament and of the Council with regard to gas storage, thereby enabling a coordinated effort of the Energy Community Contracting Parties to increase the resilience and secure gas supply in the Energy Community, in the light of energy crisis faced by Europe following Russia's invasion of Ukraine.

Article 2, points (27) to (31), Articles 6a to 6d, Article 17a, Article 20(4), and Annex Ia of Regulation (EU) 2017/1938 as amended by Regulation (EU) 2022/1032, apply until 31 December 2025.

As far as the European Union is concerned, the European Commission's assessment of the current energy security framework has confirmed the positive impact of the storage-filling requirements on the security of gas supply, concluding that these positive effects should be preserved beyond 2025.

Following the success in reducing the risks associated with the European gas import structure, the overall framework to meet the needs for gas in the European Union and the Energy Community must strike a balance between energy security and the return to market-based principles.

¹ OJ L 198, 20.7.2006, p. 18.

² OJ L 280, 28.10.2017, p. 1.

³ OJ L 173, 30.6.2022, p. 17.

In order to maintain the security of supply and ensure an adequate level of gas storage filling, the European Union adopted Regulation (EU) 2025/1733⁴ which further amended Regulation (EU) 2017/1938 so as to extend until the end of 2027 the duration of the temporary gas storage provisions introduced by Regulation (EU) 2022/1032 and allow for some flexibility for the EU Member States. This flexibility during the filling season is intended to allow for a swift response to changing market conditions and, in particular, take advantage of favourable purchasing conditions in order to reduce gas prices in Europe.

The Energy Community Secretariat's Report on the Implementation of Regulation 1938/2017, prepared pursuant to Article 23 thereof, highlighted that storage obligations constituted a crucial policy tool in mitigating fluctuations in gas supply and protecting the population during the last three winter seasons. The Report subsequently recommended prolonging, within the Energy Community, the applicability of temporary provisions of Regulation (EU) 2017/1938 as amended by Regulation (EU) 2022/1032 to stabilize the EU and Energy Community gas markets.

Articles 24 and 25 of the Energy Community Treaty set out the requirement for the Energy Community to adapt and align its acquis with developments in EU law, while taking into account the Energy Community's institutional framework and the specific circumstances of each Contracting Party.

Considering the Energy Community Secretariat's Report, and Regulation (EU) 2017/1938 as amended by Regulation (EU) 2025/1733 which extends the applicability of temporary provisions concerning the role of gas storage for securing gas supplies ahead of the winter season within the European Union until the end of 2027, Regulation (EU) 1938/2017 as adapted to and adopted in the Energy Community should be amended to reflect the evolution of the Union acquis within the Energy Community.

Based on the proposal of the European Commission and the endorsement by the Permanent High Level Group at its meeting on 10 October 2025.

HAS ADOPTED THIS DECISION,

Article 1

Amendment to Annex I to the Energy Community Treaty

In the list in Annex I to the Energy Community Treaty, paragraph 4 is replaced by the following:

(4) 'Regulation (EU) 2017/1938 of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010 as adapted to and adopted in the Energy Community by Ministerial Council Decision 2021/15/MC-EnC of 30 November 2021, Ministerial Council Decision 2022/01/MC-EnC of 30 September 2022 and Ministerial Council Decision 2025/xx/MC-EnC of xx December 2025, and Regulation (EC) 715/2009 of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) 1775/2005 as adapted and adopted by Ministerial Council Decision 2011/02/MC-EnC of 6 October 2011 and as adapted by Permanent High-

⁴ OJL, 2025/1733, 10.9.2025

Level Group Decision 2018/01/PHLG-EnC of 12 January 2018 and Ministerial Council Decision 2022/01/MC-EnC of 30 September 2022.'

Article 2

Adaptations of Regulation (EU) 2017/1938

Regulation (EU) 2017/1938 of 25 October 2017 concerning measures to safeguard the security of gas supply as adapted to and adopted in the Energy Community, is amended as follows:

(1) in Article 2, point (28) is replaced by the following:

'(28) "filling trajectory" means a series of indicative intermediate targets for the underground gas storage facilities of each Contracting Party, representing the filling plan of that Contracting Party, set in accordance with Article 6a(7);';

(2) Article 6a is amended as follows:

(a) in paragraph 1, the introductory wording is replaced by the following:

'1. Subject to paragraphs 2 to 5f, Contracting Parties shall meet the following filling targets for the aggregated capacity of all underground gas storage facilities that are located on their territory and directly interconnected to a market area in their territory <...> at any point in time between 1 October and 1 December each year:';

(b) the following paragraphs are inserted:

'5a. Notwithstanding paragraph 1 and without prejudice to the obligation of other Contracting Parties to fill the underground gas storage facilities concerned, in the case of difficult conditions that limit the ability to ensure that the underground gas storages are filled in accordance with this Regulation, each Contracting Party may decide to deviate from the filling target set out in paragraph 1, point (b) by up to 10 percentage points.

5b. Notwithstanding paragraph 1, in addition to a possible deviation in accordance with the paragraph 5a and without prejudice to the obligation of other Contracting Parties to fill the underground gas storage facilities concerned, each Contracting Party may decide to deviate from the filling target set out in paragraph 1, point (b) by up to five percentage points, if:

(a) its national gas production exceeds its average annual gas consumption over the preceding two years; or

(b) specific technical characteristics of an individual underground storage facility with technical capacity above 40 TWh located on its territory require a slow injection rate causing an exceptionally long injection period of more than 115 days.

A Contracting Party may only use the flexibilities provided under the first subparagraph, as long as this does not negatively impact the ability of directly connected Contracting Parties to supply gas to their protected customers or this does not negatively impact the functioning of the internal market in gas. The



Energy Community Secretariat, in cooperation with the Contracting Parties using the flexibilities referred to in this subparagraph, shall assess the potential consequences of implementing those flexibilities, and inform the Security of Supply Coordination Group immediately.

5c. In the case of persistent unfavourable market conditions and provided that the security of supply of the Energy Community and of the Contracting Parties is not undermined, the Permanent High Level Group is empowered to adopt, on a proposal of the European Commission and after consulting the Security of Supply Coordination Group, a Decision to increase, for one filling season, the level of deviation allowed pursuant to paragraph 5a of this Article. Such an increase shall not exceed an additional five percentage points. When assessing a potential increase, the Permanent High Level Group, with the support of the Energy Community Secretariat shall take into account, in particular, the level of storage-filling, global gas supply, ENTSOG's seasonal supply outlook, and indications of market manipulation. When increasing, in accordance with this paragraph, the level of deviation allowed pursuant to paragraph 5a of this Article, the Permanent High Level Group shall adapt the volumes set out in paragraph 2 of this Article and in Article 6c(1) and (5) to the same extent, in order to ensure full consistency in the filling targets applicable to Contracting Parties.

5d. Contracting Parties may, under the same conditions as those set out in paragraph 5a, decide to deviate by up to three percentage points and eighty-eight hundredth from the volume set out in paragraph 2.

5e. Contracting Parties may, under the same conditions as those set out in paragraph 5a of this Article, decide to deviate by up to one percentage point and sixty-six hundredth from the average annual gas consumption volume set out in Article 6c(1) and (5).

5f. A Contracting Party using any of the flexibilities provided for in paragraphs 5a to 5e shall consult the Energy Community Secretariat and provide justification immediately. The Energy Community Secretariat shall update the Security of Supply Coordination Group and any directly affected Contracting Parties on the cumulative effects of all used flexibilities without delay;

(c) paragraphs 6, 7 and 8 are replaced by the following:

'6. In order to meet the filling target, Contracting Parties shall strive to follow the filling trajectory set in accordance with paragraph 7.

7. For 2023 and the following years, each Contracting Party with underground gas storage facilities shall submit to the Energy Community Secretariat, by 15 September of the previous year, a filling trajectory with intermediary targets for February, May, July and September, including technical information, for the underground gas storage facilities on its territory and directly interconnected to its market area in an aggregated form. The filling trajectory and the intermediate targets shall be based on the average filling rate during the preceding five years.

For Contracting Parties for which the filling target is reduced to 35 % of their average annual gas consumption pursuant to paragraph 2, the intermediate targets of the filling trajectory shall be reduced accordingly.

The Energy Community Secretariat shall inform the Security of Supply Coordination Group of the aggregated filling trajectories submitted by Contracting Parties without undue delay.

8. Each Contracting Party shall take all necessary measures in accordance with Article 6b to meet the filling target. Where, in any given year, a Contracting Party does not meet its filling target, it shall take effective measures to ensure the security of supply while taking into consideration the price impact on the gas market. Where a Contracting Party fails to meet the filling target, that Contracting Party shall inform the Energy Community Secretariat and the Security of Supply Coordination Group without delay, providing reasons for the failure to meet the filling target and the measures taken.;

(d) paragraphs 10 and 11 are replaced by the following:

'10. The competent authority of each Contracting Party may take all necessary measures in accordance with Article 6b to meet the filling trajectory, including the introduction of binding intermediate targets at national level. It shall continuously monitor alignment with the filling trajectory and shall inform the Security of Supply Coordination Group regularly of the alignment with the filling trajectory. The Energy Community Secretariat shall regularly inform the Security of Supply Coordination Group of the extent to which each Contracting Party meets the indicative trajectory.

11. In the event of a substantial and sustained deviation by a Contracting Party from the filling trajectory, compromising the meeting of the filling target, or in the event of a deviation from the filling target which is not allowed pursuant to paragraphs 5a to 5e, the Permanent High Level Group shall, where appropriate and on a proposal of the European Commission, after consulting the Security of Supply Coordination Group and the Contracting Parties concerned, issue a recommendation to that Contracting Party or to the other Contracting Parties concerned, regarding measures to be taken to remedy that deviation or to minimise the impact on security of supply, while taking into consideration, inter alia, possible difficult conditions or unfavourable market conditions as well as specificities of Contracting Parties, such as the technical characteristics and sizes of underground gas storage facilities in relation to domestic gas consumption, the declining importance of the underground low calorific gas storage facilities for the security of gas supply, and existing LNG storage capacity.;

(3) in Article 6b, paragraph 2 is replaced by the following:

'2. The measures taken by the Contracting Parties pursuant to paragraph 1 of this Article shall be limited to what is necessary to meet the filling trajectories, where relevant, and the filling targets. All measures taken pursuant to Article 6a(8) and (10) shall be clearly defined, transparent, proportionate, non-discriminatory and verifiable. They shall not unduly distort competition or the proper functioning of the internal market in gas or endanger the security of gas supply of other Contracting Parties or the Energy Community. Contracting Parties shall inform the Energy Community Secretariat and the Security of Supply Coordination Group of those measures without delay.;

(4) Article 6c is amended as follows:

(a) in paragraph 1, the first subparagraph is replaced by the following:

'1. A Contracting Party without underground gas storage facilities shall ensure that market participants within that Contracting Party have in place arrangements with underground storage system operators or other market participants in Contracting Parties and/or Member States with underground gas storage facilities. Those arrangements shall provide for the use, by 1 December, of storage volumes corresponding to at least 15 % of the average annual gas consumption over the preceding five years of the Contracting Party without underground gas storage facilities. However, where cross-border transmission capacity or other technical limitations prevent a Contracting Party without underground gas storage facilities from fully using 15 % of those storage volumes, that Contracting Party shall store only those volumes that are technically possible.;

(b) in paragraph 2, the third subparagraph is replaced by the following:

'Contracting Parties without underground gas storage facilities shall demonstrate that they comply with paragraph 1 and shall notify the Energy Community Secretariat accordingly.;

(c) in paragraph 5, first subparagraph, point (a) is replaced by the following:

'(a) ensure that, at any point in time between 1 October and 1 December, storage volumes correspond at least to the average usage of the storage capacity over the preceding five years, determined, inter alia, by taking into account the flows during withdrawal season over the preceding five years from the Contracting Parties where the storage facilities are located; or';

(d) paragraph 6 is deleted;

(5) Article 6d is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

'1. Storage system operators shall report the filling level, as set pursuant to Article 6a, to the competent authority in each Contracting Party where the underground gas storage facilities concerned are located and, if applicable, to an entity designated by that Contracting Party (the 'designated entity').

2. The competent authority and, if applicable, the designated entity of each Contracting Party shall monitor the filling levels of the underground gas storage facilities on their territory at the end of each month and report the results to the Energy Community Secretariat without undue delay. The competent authority shall include information on the share of gas originating in Russia that is being stored in that Contracting Party as part of the working capacity of storage facilities, where such information is available.

The Energy Community Secretariat may, where appropriate, invite the Energy Community Regulatory Board to assist with such monitoring.;

(b) paragraphs 4 and 5 are replaced by the following:

'4. The Security of Supply Coordination Group shall assist the Energy Community Secretariat in the monitoring of the filling trajectories and the filling targets, and shall develop guidance for the Permanent High Level Group and the Energy Community Secretariat on adequate measures to ensure better



alignment in the event that Contracting Parties deviate from the filling trajectories compromising the meeting of the filling target, or to ensure that the filling target is met.

5. Contracting Parties shall take the necessary measures to meet the filling target and to enforce upon market participants the storage obligations which are required to meet the filling target, including by imposing sufficiently deterrent sanctions and fines on those market participants. This is without prejudice to the role of the Energy Community Secretariat to monitor and ensure proper application of this Regulation, including in providing assistance or guidance to the Contracting Parties in their efforts to implement this paragraph.

(6) in Article 17a(1), the following point is added:

'(e) the information about the share of gas originating in Russia that is being stored in Energy Community Contracting Parties storage facilities, provided by Contracting Parties where available pursuant to Article 6d(2).';

(7) Article 18a is deleted;

(8) in Article 22, the fourth paragraph is replaced by the following:

'Article 2, points (27) to (31), Articles 6a to 6d, Article 17a, Article 20(4) <...> shall apply until 31 December 2027.';

(9) Annex Ia is deleted.

Done in Vienna on 18 December 2025

For the Ministerial Council

A handwritten signature in blue ink, appearing to read 'n. gluz', written over a dotted line.

Presidency