

COMMISSION DECISION

of 11 August 2011

establishing the composition and the operational provisions of the Gas Coordination Group and
repealing Commission Decision 2006/791/EC

(Text with EEA relevance)

(2011/C 236/09)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 994/2010 of the European Parliament and of the Council of 20 October 2010 concerning measures to safeguard security of natural gas supply and repealing Council Directive 2004/67/EC⁽¹⁾, and in particular Article 12 thereof,

Whereas:

(1) Article 12 of Regulation (EU) No 994/2010 has established a Gas Coordination Group in order to facilitate the coordination of measures concerning security of gas supply. This Group should be composed of the Member States, in particular of their Competent Authorities, as well as the Agency for the Cooperation of Energy Regulators, the European Network of Transmission System Operators for Gas and representative bodies of the industry concerned and relevant customers.

(2) Security of gas supply is a shared responsibility of natural gas undertakings, Member States, and the Commission within their respective areas of activities and competence. Moreover, customers using gas for electricity generation or industrial purposes may also have an important role to play in security of gas supply through their ability to respond to a crisis with demand-side measures. Therefore, in order to ensure the best coordination of measures to be taken under Regulation (EU) No 994/2010, the representative bodies of the industry concerned and those of relevant customers should participate actively in the work of the Gas Coordination Group.

(3) The Commission should, in consultation with the Member States, decide on the composition of the Group, ensuring it is fully representative and that a three-level approach is respected which involves first the relevant natural gas undertakings and industry, then Member States at national or regional level, and then the Union.

(4) The following bodies of the industry concerned should be considered to be representative:

— the representative European association of the storage system operators in the sense of Article 2(10) of Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC⁽²⁾ and of LNG system operators in the sense of Article 2(12) of Directive 2009/73/EC,

— the European association of the gas supplying industry,

— the international association representing gas producers in Europe,

— the European association of gas traders.

(5) As for the relevant consumers, four main sectors consuming natural gas should be distinguished:

— the industrial sector,

— the power sector using gas as a fuel,

— the household sector,

— the district heating sector.

(6) The Gas Coordination Group should act as adviser to the Commission to facilitate the coordination of security of supply measures in the event of a Union or regional emergency. It is also the main body to be consulted by the Commission in the context of the establishment of the Preventive Action Plans and the Emergency Plans. The Gas Coordination Group should monitor the adequacy and appropriateness of measures to be taken under the Regulation (EU) No 994/2010 and exchange all information relevant for security of gas supply at national, regional and Union levels.

(7) Rules on disclosure of information by members of the group should be laid down.

⁽¹⁾ OJ L 295, 12.11.2010, p. 1.

⁽²⁾ OJ L 211, 14.8.2009, p. 36.

(8) Personal data should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ⁽¹⁾.

(9) Decision 2006/791/EC should be repealed,

HAS DECIDED AS FOLLOWS:

Article 1

Composition of the Gas Coordination Group ('the Group')

1. The Group shall be composed of the following members:

- (a) the Member States, in particular their Competent Authorities in the sense of Article 2(2) of the Regulation (EU) No 994/2010;
- (b) the Agency for the Cooperation of Energy Regulators ('the Agency');
- (c) the European Network of Transmission System Operators for Gas ('the ENTSO for Gas');
- (d) the Energy Community Secretariat;
- (e) Gas Infrastructure Europe (GIE) as the representative body of Storage System Operators and LNG System Operators;
- (f) Eurogas;
- (g) the International Association of the Oil and Gas Producers (OGP);
- (h) European Federation of Energy Traders (EFET);
- (i) the International Federation of Industrial Energy Consumers (IFIIEC Europe);
- (j) Eurelectric;
- (k) the European Consumers' Organisation (BEUC);
- (l) Euroheat & Power.

2. Each of the members shall nominate not more than two permanent representatives and two alternates to participate in the work of the Group. At least one of the permanent representatives nominated by the Member States shall be from the Competent Authority. One of the permanent representatives nominated by the Agency shall be the director. One of the permanent representatives nominated by ENTSO for Gas shall be the secretary-general. One of the permanent representatives nominated by the representative bodies of industry and customers shall be the general manager or the secretary-general.

3. If the Competent Authority is not a national regulatory authority, Member States shall ensure that there is sufficient exchange of information between the Competent Authority and the national regulatory authority concerning the activities of the Group.

4. During an emergency situation at Union, Member State or regional level, or in other exceptional situations, at the request of at least three Member States, the Commission may restrict participation in the Group, for an entire meeting or part thereof, to the representatives of the Competent Authorities and the Member States.

5. During an emergency situation at Union, Member State or regional level, or in other exceptional situations, the members of the Group may request the Commission to appoint more than two representatives from their competent authorities or other bodies to participate in the work of the Group.

6. The names of the members, as well as the names of members' permanent representatives and of the alternates of the members of the Group shall be published in the Register of Commission expert groups and other similar entities ('the Register') ⁽²⁾.

7. Personal data shall be collected, processed and published in accordance with Regulation (EC) No 45/2001.

Article 2

Tasks of the Group

1. The Group is established to facilitate the coordination of measures concerning security of gas supply. The Group shall be consulted and shall assist the Commission in particular on the issues set out in Article 12(2) of Regulation (EU) No 994/2010:

- (a) security of gas supply, at any time and more specifically in the event of an emergency;
- (b) all information relevant for security of gas supply at national, regional and Union levels;
- (c) best practices and possible guidelines to all the parties concerned;
- (d) the level of security of supply, benchmarks and assessment methodologies;
- (e) national, regional and Union scenarios and testing the levels of preparedness;
- (f) the assessment of the Preventive Action Plans and the Emergency Plans and the implementation of the measures foreseen therein;

⁽²⁾ Members who do not wish to have their names disclosed may apply for derogation from this rule. The request not to disclose the name of a member of an expert group shall be considered justified whenever publication could endanger his or her security or integrity or unduly prejudice his or her privacy.

⁽¹⁾ OJ L 8, 12.1.2001, p. 1.

(g) the coordination of measures to deal with an emergency within the Union, with third countries that are Contracting Parties to the Treaty establishing the Energy Community and with other third countries;

(h) assistance needed by the most affected Member States.

2. As set out in Article 11(2) of Regulation (EU) No 994/2010, the Commission shall convene the Gas Coordination Group as soon as it declares a Union or regional emergency.

Article 3

Operation

1. The Group shall be chaired by a representative of the Commission ('the chairman').

2. As set out in Article 12(3) of Regulation (EU) No 994/2010, the Commission shall convene the Group on a regular basis and shall share the information received from the Competent Authorities whilst preserving the confidentiality of commercially sensitive information.

3. In agreement with the Commission services, the Group may set up sub-groups to examine specific questions on the basis of terms of reference defined by the Group. Such sub-groups shall be disbanded as soon as their mandate is fulfilled.

4. The chairman may invite experts from outside the Group with specific competence in a subject on the agenda to participate in the work of the Group or sub-group on an ad hoc basis. In addition, the chairman may give an ad hoc or permanent observer status to other individuals or organisations if they may significantly contribute to the activities of the Group.

5. Information obtained by participating in the deliberations of the Group or a sub-group shall not be divulged if, in the opinion of the Commission or any other member of the Group, that information relates to confidential matters. Members of expert groups and their representatives, as well as invited experts and observers, shall comply with the obligations of professional secrecy laid down by the Treaties and their implementing rules, as well as with the Commission's rules on security regarding the protection of EU classified information, laid down in the Annex to Commission Decision 2001/844/EC,

ECSC, Euratom ⁽¹⁾. Should they fail to respect these obligations, the Commission may take all appropriate measures.

6. The meetings of the Group and its sub-groups shall be held on Commission premises. The Commission shall provide secretarial support. Other Commission services and European External Action Service may be invited to the meetings of the Group and its sub-groups when directly concerned by the matters to be discussed.

7. The Group shall adopt its rules of procedure on the basis of the standard rules of procedure drawn up by the Commission.

8. Without prejudice to paragraph 6 of this Article, the Commission makes all relevant work documents available to the Group members via a collaborative workspace with partners of the European Union (CIRCA website) and publishes relevant information on the activities carried out by the Group either by including it in the Register or via a link from the Register to a dedicated website.

Article 4

Meeting expenses

1. Participants in the activities of the Group shall not be remunerated for the services they render.

2. Travel expenses incurred by one representative of each Member State or its Competent Authority shall be reimbursed by the Commission. Those expenses shall be reimbursed within the limits of the available appropriations allocated under the annual procedure for the allocation of resources.

Article 5

Repeal

Decision 2006/791/EC ⁽²⁾ is repealed.

Done at Brussels, 11 August 2011.

For the Commission
Günther OETTINGER
Member of the Commission

⁽¹⁾ SEC(2007) 639 of 25.6.2007.

⁽²⁾ OJ L 319, 18.11.2006, p. 49-50.