

COMMISSION IMPLEMENTING REGULATION (EU) 2022/2301**of 23 November 2022****setting the filling trajectory with intermediary targets for 2023 for each Member State with underground gas storage facilities on its territory and directly interconnected to its market area****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2017/1938 of the European Parliament and of the Council of 25 October 2017 concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010 ⁽¹⁾, and in particular Article 6a(7), third subparagraph, thereof,

Whereas:

- (1) Following the Russian military aggression against Ukraine and in the face of the possibility of a protracted disruption or even a halt of gas supplies from Russia, the Union undertook initiatives to increase its preparedness against such disruptions in order to protect its citizens and the economy of the Union.
- (2) In this context, Regulation (EU) 2022/1032 of the European Parliament and of the Council ⁽²⁾ was adopted with a view to ensuring the filling of Member States' underground gas storage facilities for the winter period of 2022-2023 and beyond.
- (3) As for 2023 and beyond, sub-paragraph 1 of Article 6a(7) of Regulation (EU) 2017/1938 provides that each Member State with underground gas storage facilities must submit to the Commission, by 15 September of the previous year, a draft filling trajectory with intermediary targets for February, May, July and September, including technical information, for such 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.
- (4) Sub-paragraph 3 of Article 6a(7) of Regulation (EU) 2017/1938 stipulates that, based on the technical information provided by each Member State and taking into account the assessment of the Gas Coordination Group, the Commission must adopt implementing acts setting the filling trajectory for each Member State by 15 November of the preceding year in accordance with the examination procedure referred to in Article 18a(2) of the aforementioned Regulation. The Commission is assisted by a comitology committee referred to in Article 18a(1) of the Regulation (EU) 2017/1938, the 'Gas Storage Committee'.
- (5) The Commission is to adopt, by 15 November 2022, implementing acts setting the filling trajectories with intermediary targets for 2023 for Member States with underground gas storage facilities. Given the time constraints for the adoption of those implementing acts, a single implementing act for all Member States concerned should be adopted.
- (6) In light of the high uncertainty as regards the general security of gas supply situation and the development of gas demand and supply in the Union and individual Member States, the different consumption scenarios depending on winter temperatures, and the extent of voluntary demand reduction measures implemented by Member States based on Article 3 of Council Regulation (EU) 2022/1369 ⁽³⁾, the filling trajectories laid down in this Regulation should comprise technically feasible minimum intermediate targets that allow Member States to meet the filling target of 90 % by 1 November 2023.

⁽¹⁾ OJ L 280, 28.10.2017, p. 1.

⁽²⁾ Regulation (EU) 2022/1032 of the European Parliament and of the Council of 29 June 2022 amending Regulations (EU) 2017/1938 and (EC) No 715/2009 with regard to gas storage (OJ L 173, 30.6.2022, p. 17).

⁽³⁾ Council Regulation (EU) 2022/1369 of 5 August 2022 on coordinated demand-reduction measures for gas (OJ L 206, 8.8.2022, p. 1).

- (7) The filling trajectories should take into account, to the extent possible, those submitted by the Member States and take into consideration the Member States' average filling rate during the preceding five years. The technical feasibility of the intermediate targets set out in this Regulation should also take into consideration the aggregated injection capacity curve of the storage sites of each Member State. Those targets should be set in a manner that safeguards the security of gas supply at Union level, while avoiding unnecessary burdens on Member States, gas market participants, storage system operators or customers, and without unduly distorting competition between storage facilities located in the neighbouring Member States.
- (8) The intermediate target of 1 February 2023 is an important intermediary target for the security of supply during the winter periods of 2022-2023 and of 2023-2024. Setting that target to a Union minimum average of 45 % aims to ensure security of supply in December 2022 and January 2023 when gas demand is high, while avoiding storage depletion in February and March 2023. In particular, flexibility should be provided in the early winter months in case of a winter that is colder than the average. Nevertheless, Member States should strive to reach collectively the filling of 55% of the capacity of the underground gas storage facilities in the Union, if the winter months are not colder than average.
- (9) In line with Regulation (EU) 2017/1938, filling levels that remain up to five percentage points below the target, are considered as complying with the targets of Regulation (EU) 2017/1938. Where the filling level of a Member State is more than five percentage points below the level of its filling trajectory, the competent authority should immediately take effective measures to increase it. Member States should inform the Commission and the GCG of such measures.
- (10) For Member States falling under Article 6a(3) of Regulation (EU) 2017/1938, the filling target should be reduced by the volume which was supplied to third countries during the reference period 2016 to 2021 if the average volume supplied was more than 15 TWh per year during the gas storage withdrawal period (October – April).
- (11) The European Commission has announced the setting up of the EU Energy Platform providing, inter alia, for the potential joint purchase of gas, an arrangement endorsed by the European Council in its conclusions of 30 and 31 May 2022. Joint purchase can contribute to more equal access for undertakings across the EU to new or alternative gas sources under better conditions. In particular, using demand aggregation could help Member States to mitigate the challenges for the filling season 2023/24, by enabling, within the limits of competition law, the support of better coordinated filling and storage management, and by helping to avoid excessive price peaks caused, inter alia, by uncoordinated storage filling.
- (12) Member States should meet the filling target of 90 % of their storage facilities referred to in paragraph 1 of Article 6a of Regulation (EU) 2017/1938, including, notably, by aggregating demand and taking part in joint purchasing mechanisms, as set out in the Commission Communication of 18 October 2022.
- (13) In filling storage, and in light of the challenges for the filling season in 2023, Member States should make best use of all available coordination tools at EU level. The use of the EU Energy Platform for the aggregation of demand with a view to potential joint purchase of gas can contribute to better coordination of storage filling. For example, Member States should prepare already to participate in demand aggregation with volumes at least equal to 15 % of the total volume necessary to meet the target of 90 %.
- (14) The filling trajectories should also take into account the assessment of the Gas Coordination Group that was consulted during its meeting of 21 October 2022.
- (15) Considering the need to set the filling trajectories for 2023 by 15 November 2022, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (16) The measures provided for in this Regulation are in accordance with the opinion of the Gas Storage Committee.

HAS ADOPTED THIS REGULATION:

Article 1

Filling trajectories for 2023

The filling trajectories with intermediate targets for 2023 for Member States with underground storage facilities on their territory and directly interconnected to their market area are set out in the Annex.

Article 2

Entry into force and application

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 23 November 2022.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

Filling trajectories with intermediate targets for 2023 for Member States with underground gas storage facilities ⁽¹⁾

Member State	1 February intermediate target	1 May intermediate target	1 July intermediate target	1 September intermediate target
AT	49%	37%	52%	67%
BE	30%	5%	40%	78%
BG	45%	29%	49%	71%
CZ	45%	25%	30%	60%
DE	45%	10%	30%	65%
DK	45%	40%	60%	80%
ES	59%	62%	68%	76%
FR	41%	7%	35%	81%
HR	46%	29%	51%	83%
HU	51%	37%	65%	86%
IT	45%	36%	54%	72%
LV	45%	41%	63%	90%
NL	49%	34%	56%	78%
PL	45%	30%	50%	70%
PT	70%	70%	80%	80%
RO	40%	41%	67%	88%
SE	45%	5%	5%	5%
SK	45%	25%	27%	67%

⁽¹⁾ The Annex is subject to the pro rata obligations of each Member State under Regulation (EU) 2017/1938, in particular Articles 6a, 6b and 6c thereof. For Member States falling under Article 6a(2), the pro rata intermediate target shall be calculated by multiplying the value indicated in the table by the limit of 35 % and by dividing the result by 90 %.