

Decision (EU) 2017/684 of the European Parliament and of the Council of 5 April 2017 on establishing an information exchange mechanism with regard to intergovernmental agreements and non-binding instruments between Member States and third countries in the field of energy, and repealing Decision No 994/2012/EU (Text with EEA relevance)

#### *Article 6*

#### **Notification obligations and assessment by the Commission with respect to existing intergovernmental agreements and to new intergovernmental agreements relating to electricity**

1 By 3 August 2017 Member States shall notify to the Commission all existing intergovernmental agreements, including any annexes and amendments thereto.

Where the existing intergovernmental agreement refers explicitly to other texts, the Member State concerned shall also submit those other texts in so far as they contain elements which concern the purchase, trade, sale, transit, storage or supply of energy in or to at least one Member State or the construction or operation of energy infrastructure with a physical connection to at least one Member State.

The obligation to notify to the Commission laid down in this paragraph does not apply in respect of agreements between undertakings.

2 Existing intergovernmental agreements which have already been notified to the Commission in accordance with Article 3(1) or (5) of Decision No 994/2012/EU, or with point (a) of Article 13(6) of Regulation (EU) No 994/2010 of the European Parliament and of the Council<sup>(1)</sup> on 2 May 2017 shall be considered to have been notified for the purposes of paragraph 1 of this Article, provided that the notification meets the requirements of that paragraph.

3 The Commission shall assess intergovernmental agreements notified in accordance with paragraph 1 or 2 of this Article, as well as intergovernmental agreements relating to electricity notified in accordance with Article 3(5). Where, following its first assessment, the Commission has doubts as to the compatibility of those agreements with Union law, in particular with internal energy market rules and Union competition law, the Commission shall inform the Member States concerned accordingly within 9 months of the notification of those agreements.

**Changes to legislation:** *There are outstanding changes not yet made to Decision (EU) 2017/684 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

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- (1) Regulation (EU) No 994/2010 of the European Parliament and of the Council of 20 October 2010 concerning measures to safeguard security of gas supply and repealing Council Directive 2004/67/EC ([OJ L 295](#), 12.11.2010, p. 1).

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Decision revoked by [S.I. 2021/519 Sch.](#)