9 November 2026

REPowerEU Gas Prior Authorisation Implementation

Industry Experience & Recommendations

Executive summary

- Regulation 2026/261 on phasing out Russian natural gas imports sets out a common EU framework to prevent Russian gas from entering the EU market, while ensuring that credible non-Russian imports remain ongoing. **Eurogas welcomes the Commission's guidance and supports its flexibilities for avoiding unnecessary barriers to non-Russian gas imports and cross-border trading, including accelerated authorisation procedures, simplified authorisation processes, mutual recognition, and ex post completion of information.**
- **Nevertheless, implementation remains fragmented across Member States,** with uneven procedures, documentation requirements, and processing times. Industry feedback shows that some authorisations can take several weeks and that additional requirements at national level create uncertainty and administrative burdens for market participants. As Europe approaches the winter period, such delays add pressure to an already time-sensitive gas market. These can limit the ability to respond to changing supply and demand conditions and can potentially affect security of supply.
- **Eurogas calls for a simplified and harmonised implementation of the prior authorisation framework.** Firstly, the Commission should provide more clarity where implementation remains uncertain, especially on the LNG exporting countries to which a simplified procedure should apply, for gas stored in Ukraine and for gas traded on EU organised trading markets. It should also consider further simplification options, including repeated for LNG deliveries under previously assessed long-term supply contracts. Member States should implement the flexibilities already provided in the Commission guidance, apply the 12–24-hour accelerated authorisation timeframe, and avoid additional administrative requirements. These are essential to ensure that the phase-out of Russian gas does not create unnecessary barriers to legitimate gas flows, while maintaining security of supply, market flexibility, and effective safeguards against Russian gas. It is essential to further streamline the process as we enter into the 2026-2027 winter period.

LNG Imports: Implementation Across Member States

Since the entry into force of Regulation 2026/261 on 3 February 2026, Member States' authorising authorities have progressively been required to apply the prior authorisation procedure to pipeline gas and LNG imports. To support authorising authorities in implementing the procedure, the Commission has published guidance specifying further details on its application.

→ **Industry feedback on Commission guidance**

Industry very much welcomes the timely publication and regular updates to this guidance. In particular, Eurogas supports the flexibilities foreseen to avoid creating unnecessary barriers to non-Russian LNG

imports, including simplified and accelerated authorisation **procedures.** Such flexibilities are essential to ensure the timely delivery of LNG to Europe. Gas markets operate in a fast-paced and highly interconnected environment, where LNG cargoes can be redirected in response to changing market conditions. During periods of tight supply, additional spot market cargoes from non-exempt countries can provide the marginal volumes needed to balance supply and demand and set the market price. Administrative procedures therefore need to reflect the operational realities of gas trading and transportation and allow importers to respond rapidly to changing supply and market conditions. Lengthy approval processes risk creating friction to trade, potentially leading to delaying these marginal volumes when they are most needed.

We recognise the administrative burden that authorisation procedures place on competent authorities. However, extending the time recommended to issue authorisations would risk delaying LNG deliveries to Europe and would not address the underlying burden. **The most effective way to simplify the process is to reduce the number of authorisations required in the first place, notably by expanding the list of countries whose non-Russian gas origin is recognised and where imports do not require an extensive prior authorisation procedure**. This would allow authorities to focus their resources on cases requiring further scrutiny, while enabling importers to respond swiftly to changing market conditions and ensuring the timely delivery of LNG to Europe.

Indeed, the list of countries exempted from the full process works well and provides an important basis for facilitating imports of non-Russian gas and reducing administrative burden for Member States authorities and companies alike. Further improvements should focus on simplifying the procedure for other existing and potential gas-exporting countries, in line with the EU's diversification efforts and the need to maintain access to a broad range of third-country supplies.

→ **Industry feedback on national implementation**

Nevertheless, implementation of the prior authorisation procedure remains fragmented across Member States. One Member State has published detailed national guidance on the procedure, while four others have made forms for submitting prior authorisation requests publicly available. **These efforts improve transparency, facilitate non-discriminatory access to information, and provide importers with greater clarity on the applicable process.** Similar guidance and centralised or digitalised application processes should be made available across Member States.

Industry feedback on the implementation of prior authorisation **is mixed**. Some actors have received rapid responses within a few days, while others have experienced procedures lasting up to five weeks. For example, even a five-day approval period can be too long for certain LNG supply chains, as the time between cargo production and delivery into the EU is limited. Therefore, the 12-24 hour response timeframe foreseen in the Commission guidance is especially relevant for marginal, price-setting LNG supplies and for balancing needs within the EU. Industry has also encountered additional requirements beyond those set out at EU level, such as legal translations of supporting documents into the national language. In some cases, it remains unclear which contact point is responsible for the procedure.

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→ **Examples of national implementation**

The examples below illustrate the different approaches taken by Member States and point to areas where greater consistency and alignment with the Commission's guidance would facilitate implementation:

- **Italy** is currently the only Member State with a detailed, publicly available and operational prior authorisation procedure. Together with **Belgium, Spain and France**, Italy provides a centralised online channel for submitting applications.

- **In Germany**, interim and informal arrangements for prior authorisation have emerged, but these are applied inconsistently across companies, creating legal uncertainty, an uneven playing field and barriers to legitimate gas imports.

- **Belgium** has designated an authorising authority and operates a prior authorisation procedure but applies it in a more restrictive manner than required by requesting separate authorisation of both LNG shippers and importers. Also, it does not foresee cross-Member State transfers of a Belgian authorisation and does not permit ex-post correction of submitted information. Belgian practices thus lack the flexibility suggested in the current EU guidance, creating avoidable burdens and uncertainty for re-routed cargoes.

- **In the Netherlands**, prior authorisation approvals have taken up to one week and required active follow-up to clarify cargo quantities and supporting documentation. This included reconciling differences between the units used in terminal records, bills of lading and certificates of origin (cubic meters) and those used by customs authorities (MWh), adding administrative steps and delaying authorisation. This illustrates how procedural inefficiencies and inconsistent data requirements can hinder the timely processing of legitimate gas imports.

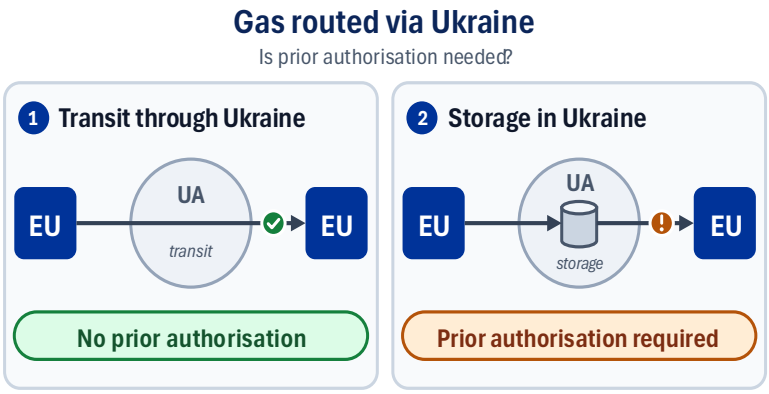
- **In Lithuania**, the LNG terminal operator rejects all reloads from Belgian, Dutch, Spanish and French terminals, despite segregated storage of Russian-origin volumes in those terminals. This shows how divergent interpretations at national, or operator level can create uncertainty for cross-border LNG movements.

Pipeline Gas Imports: Case Studies

A. Ukraine Transit and Storage

The Commission's updated guidance has clarified the treatment of gas transiting through and stored in Ukraine. **Question 28 confirms that no prior authorisation is required for gas transiting Ukraine where the gas is already in EU free circulation, transits Ukraine and returns to the EU.** This clarification removes an unnecessary administrative burden for EU gas flows and provides legal certainty for market participants. For **gas stored in Ukraine and subsequently transported to the EU**, the picture is different: **prior authorisation remains required for gas stored in Ukraine and subsequently re-transported into the EU.** This creates a significant operational burden despite the specific circumstances of the Ukrainian case: the gas originates from the EU, is stored in Ukraine and returns to the EU.

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Ukrainian storage is an important asset for providing flexibility in response to demand peaks, weather conditions and changing market needs. Industry reports that obtaining the required authorisation can currently take **three to four weeks**, despite the simplified process foreseen in the Commission guidance, which can significantly reduce the operational value of storage and constrain short-term optimisation in response to market conditions.

The Ukrainian case therefore illustrates the need to ensure that the simplified approach set out in the Commission guidance translates into a genuinely streamlined procedure in practice.

A further consideration is Ukraine's potential to become a gas exporter to the EU. The Ukrainian government has adopted a decision to allow private producers to export limited volumes of domestically produced natural gas, subject to a 15% limit on annual production. Despite the volumes looking initially modest, this development indicates the need to consider Ukraine in the list of countries eligible for simplified prior authorisation procedures, including for gas produced in Ukraine and exported to the EU. The Regulation's current exemption list refers to countries that exported more than 5 bcm of gas in 2024. This reference year could prevent countries such as Ukraine from qualifying for an exemption even if their exports increase in the future. This situation is paradoxical considering the EU's security of supply concerns. Ukraine's gas stocks are currently at historically high levels and, with lower domestic demand potentially creating scope for re-exports to neighbouring EU countries, these volumes could contribute to EU supply security. However, lengthy prior authorisation procedures make such cross-border flows more difficult and may prevent this flexibility from being used when it is most needed.

Finally, **the specific treatment of Ukraine could be reconsidered in light of its role as an Energy Community partner and its alignment with the EU gas phase-out framework.** If Ukraine were subject to the relevant EU framework through transposition, it could potentially benefit from the same treatment as other jurisdictions applying the REPowerEU requirements. This could provide a further basis for simplifying the treatment of gas stored in Ukraine and subsequently returned to the EU.

B. Gas sold on trading hubs: the Bulgaria-Serbia-Hungary case

A further issue concerns gas traded on organised gas markets and subsequently transported across borders through fixed infrastructure. For example, on the **Bulgaria–Serbia–Hungary route**, natural gas may be traded

on the Balkan Gas Hub or the Hungarian Virtual Trading Point (MGP) after prior authorisation has been checked at the Bulgarian border and subsequently supplied to Hungary via transit through Serbia, with Hungary requiring a second pre-authorisation process. Shippers have reported prior authorisation timelines of three to four weeks in both Bulgaria and Hungary, which are difficult to reconcile with the short lead times and flexibility required for normal gas trading operations, particularly where transactions and flows need to be adjusted at short notice.

The specific challenge arises from misalignment with the way gas trading operates. Gas can be traded multiple times on organised markets without the underlying customs documentation being transferred between successive buyers, while the physical gas continues to flow through the transmission system. The buyer at a virtual trading point may therefore not be the original importer and may not hold documentation relating to the gas acquiring Union status or documentation on the entry border point. **This should not prevent the authorities from recognising the Union status of gas that has already been released for free circulation.** Similarly, when such gas transits through a non-EU country before re-entering the Union, it should not trigger a new prior authorisation requirement, if it is declared for free circulation at any point in time.

The Commission's guidance, in **Q28**, recognises that gas moving between two Member States through a third country does not require a new prior authorisation where the gas is already in the Union. **Further clarification is needed on how this principle should be applied uniformly to gas traded on organised markets and transported through fixed transport installations under the Union Customs Code, which is a process overseen by TSOs and not by gas shippers.** Customs authorities should verify the origin of the gas, including its place of production, as stated in the import declaration and based on the information available to the original importer, rather than requiring subsequent buyers to provide documentation they may not possess. This approach should also apply to natural gas offtaken by buyers at EU/non-EU interconnection points and regasification entry points. Clarification is therefore needed on how Regulation 2026/261 applies to gas that has already acquired Union status and is subsequently transited across EU borders via third countries, ensuring that prior authorisation is not unnecessarily repeated.

Eurogas recommendations

Following the analysis of various issues, both at the national and EU level, Eurogas recommends both the Commission and Member States to ensure a fast and proportionate implementation of the prior authorisation procedure, while maintaining safeguards against Russian gas.

European Commission

- **Maintain the flexibility foreseen under global supply shortage conditions.** Considering the European Union's position as a global LNG importer, it is critical to maintain and implement these flexibilities going forward to ensure a smooth and operational prior authorisation process and avoid unnecessary barriers to LNG imports.
- **Expand the list of countries exempted from prior authorisation and further clarify the countries eligible for a simplified procedure.** The Commission could provide further guidance on countries of

production where a facilitated procedure could apply, including a non-exhaustive list of gas-exporting countries that Member States could draw inspiration from. This would support a consistent approach across Member States while contributing to the EU's diversification efforts. In addition, the Commission should consider exempting cargoes delivered under previously assessed long-term supply contracts from repeated prior authorisation requirements. This would reduce unnecessary administrative burdens while maintaining safeguards against Russian gas imports.

- **Introduce a targeted amendment** to replace the fixed 2024 reference in Art.5(4) for with a more flexible criterion, such as any exports in the preceding year. This would allow the framework to reflect changing export patterns and avoid excluding emerging gas suppliers.
- **Ensure harmonised implementation across Member States.** The Commission should continue its efforts to ensure that its guidance is implemented consistently across Member States. In particular, Member States should be encouraged to provide clear national guidance and centralised application channels, with clearly identified contact points.
- **Further simplify the treatment of gas stored in Ukraine.** The Commission should further clarify the practical application of the simplified approach set out in its guidance for gas previously in EU free circulation and subsequently stored in Ukraine. Clarification that ex-post submission of documentation is authorised would help ensure that the simplified approach is reflected in practice and avoid processing times that undermine the operational value of Ukrainian storage.

- **Clarify the application of prior authorisation to gas traded on organised markets.** The Commission should clarify how the principle that gas already in Union free circulation does not require a new prior authorisation when transported between Member States through a third country applies to gas traded on organised markets and transported through fixed infrastructure if the prior authorisation check has been performed upfront. In particular, the guidance should clarify how the Union status of gas can be recognised where the subsequent buyer does not hold the customs documentation relating to the original import or release for free circulation.

Member States

- **Provide clear and accessible prior authorisation procedures.** Member States should publish clear national guidance on the prior authorisation process and provide centralised application channels, with clearly identified contact points. This would improve transparency and provide importers with greater clarity on the applicable process.
- **Apply the flexibilities set out in the Commission guidance.** Member States should implement the flexibilities foreseen in the Commission guidance, including accelerated authorisation procedures with 12–24-hour response times, the use of a single set of documentation for multiple deliveries under the same supply contract, mutual recognition of authorisations between Member States, and the possibility of completing documentation ex post. A clarified list of LNG exporting countries eligible for a simplified procedure would allow to reduce the administrative burden linked to short response timelines. Furthermore, the 12-24-hour timelines are especially important for spot market LNG cargoes, which can provide marginal, price-setting supply and support short-term balancing within the EU.

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- **Avoid additional administrative requirements.** Member States should avoid requirements beyond those set out at EU level, including unnecessary additional documentation or translation requirements, and ensure that the simplified procedures set out in the Commission guidance can be used in practice.
- **Apply the simplified approach to gas stored in Ukraine in practice.** Member States should ensure that the simplified approach set out in the Commission guidance for gas previously in EU free circulation and subsequently stored in Ukraine is reflected in their procedures, including by accepting the documentation identified in the guidance and allowing complementary documentation to be provided ex post where applicable.
- **Ensure gas traded on organised markets is checked and recognised as already authorised.** Member States should recognise that gas traded on organised markets has already been subject to the required prior authorisation where this has been verified at the appropriate point in the supply chain. **Alternatively, Member States should establish a system through which the competent authorities can verify that gas traded on the relevant hub has been subject to prior authorisation.** This would avoid repeated checks for subsequent buyers who may not hold the customs documentation relating to the original import or release for free circulation, while maintaining the necessary safeguards.

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