

(English version)

Question for written answer E-003014/25
to the Commission
Fabio De Masi (NI)
(19 July 2025)

Subject: Legal risks of EU proposal to ban Russian natural gas imports

According to the Oxford Institute for Energy Studies, the proposal for a regulation on phasing out Russian natural gas imports, improving the monitoring of potential energy dependencies and amending Regulation (EU) 2017/1938 raises unresolved legal issues that ‘place a significant burden on importers and other stakeholders, while risking regulatory overreach [...] thus potentially increasing costs and preventing legitimate gas imports’. The analysts also argue that the amendment of the rules creates legal uncertainty, in particular as regards the application of *force majeure* clauses and contract termination. The proposal does not guarantee that an import ban will be recognised as a case of *force majeure* under the relevant contract, leaving buyers exposed to potential claims for compensation or ongoing obligations under long-term Russian gas and LNG contracts, even if the EU ban is in place.

How will the European Commission take account of the criticism of the Oxford Institute for Energy Studies⁽¹⁾ that the proposal to phase out Russian gas imports creates legal uncertainties and exposes importers to possible claims for compensation?

Submitted: 19.7.2025

Answer given by Mr Jørgensen on behalf of the European Commission
(26 September 2025)

On 17 June 2025, the Commission adopted a proposal for the REPowerEU Regulation⁽¹⁾. The accompanying assessment of impacts⁽²⁾ explains that the proposed Regulation will have limited impact on prices and security of supply and analyses its impact on existing long-term contracts, for both pipeline gas and liquefied natural gas.

The proposed Regulation will impose an unconditional legal prohibition of gas imports as a EU trade and energy policy measure. As such, it constitutes a sovereign act of the EU beyond the control of gas importers that makes Russian gas imports unlawful, without any discretion for Member States concerning its application. This should enable EU importers to invoke *force majeure* (i.e., an unforeseeable event preventing a party to fulfil its contractual obligations) in order to terminate their contracts.

As regards recent unlawful practices from the Russian Federation, affected companies and Member States cannot be held liable for any judgments, arbitral awards, including investor-State arbitral awards⁽³⁾, or other judicial decisions adopted under procedures which are illegal under international customary law or under a bilateral investment treaty, and against which the person or Member State concerned does not have effective access to the remedies under the relevant jurisdiction.

¹ <https://www.oxfordenergy.org/wpcms/wp-content/uploads/2025/07/The-EU-Proposal-To-Ban-Russian-Gas-Imports-roadblock-more-than-roadmap-NG-199.pdf>

⁽¹⁾ Proposal of the European parliament and of the Council for a regulation on phasing out Russian natural gas imports, improving monitoring of potential energy dependencies and amending Regulation (EU) 2017/1938. https://eur-lex.europa.eu/resource.html?uri=cellar:ef933a1c-4c3b-11f0-a9d0-01aa75ed71a1.0001.02/DOC_1&format=PDF.

⁽²⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52025SC0830>.

⁽³⁾ With respect to financial responsibilities concerning possible investor-to-state dispute settlement resolution cases, reference is made to Regulation (EU) 912/2014, where applicable.