

## EU introduces 'REPowerEU Gas Regulation': Phased import ban on Russian natural gas and new authorisation framework for all third country gas imports

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With the entry into force of [Regulation \(EU\) 2026/261](#) (the '**REPowerEU Gas Regulation**') on 3 February 2026, the European Union has established a sweeping new compliance regime governing the importation of natural gas to the EU territory. At the core of the REPowerEU Gas Regulation is the introduction of a phased import ban on natural gas (*i.e.*, both pipeline gas and liquified natural gas ('**LNG**')) of Russian origin or that is exported from Russia. In support of this objective, the REPowerEU Gas Regulation establishes a binding, EU-wide regulatory framework for **all** natural gas imports to the EU, based on common timelines and oversight mechanisms across the EU market — and which subjects natural gas imports from all third countries to prior authorisation.

The import ban on Russian natural gas under the REPowerEU Gas Regulation will apply from **18 March 2026** (subject to graduated exemptions for short-term and long-term supply contracts concluded before 17 June 2025), while the prior authorisation requirement for all imports of natural gas to the EU will apply from **18 February 2026**. Given that the REPowerEU Gas Regulation was only published in the Official Journal of the European Union on 2 February 2026, operators are provided with a rather short transition period during which they may assess exposure and prepare for compliance.

Below, we provide a detailed presentation of the key elements of the REPowerEU Gas Regulation which could have an impact on Japanese businesses in the near future. Should you have any questions regarding the impact of these new developments, please do not hesitate to contact us.

### Context: structural re-orientation away from dependence on Russian energy imports

Since the Russian invasion of Ukraine in February 2022, the EU has progressively sought to tighten its trade and energy-security framework in order to reduce its longstanding dependency on Russian energy imports. The policy foundation for this shift was presented in the European Commission's [REPowerEU Plan](#) of May 2022, which outlined a comprehensive strategy to combine demand reduction with supply diversification and accelerated deployment of renewable energies. In parallel, the EU has progressively expanded the scope and intensity of sanctions measures against Russia to include import restrictions on Russian energy, such as crude oil, petroleum products, and entity-specific restrictions targeting major Russian oil and gas companies Rosneft and Gazprom Neft.

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Most notably, the EU has already imposed an import ban on Russian LNG (see, Article 3ra of [Regulation 833/2014](#)) since October 2025. This restriction — which was adopted as part of the [19<sup>th</sup> Sanctions Package](#) — is wider in scope than the import ban under the REPowerEU Gas Regulation and prohibits the “*purchase, import, or transfer*” of LNG originating in Russia or exported from Russia. In principle, the LNG ban under EU sanctions will have effect from **25 April 2026** — which is delayed until **1 January 2027** for long-term supply contracts concluded prior to 17 June 2025 (which is aligned with the timelines for implementation of the LNG import ban under the REPowerEU Gas Regulation). That said, while there is a considerable degree of overlap between the import bans under EU sanctions and the REPowerEU Gas Regulation, these should not be assumed to be identical — they are distinct measures that are different in scope and purpose.

The REPowerEU Gas Regulation marks a significant shift in the evolution of EU policy in this regard, by moving beyond a primarily foreign policy driven sanctions regime towards energy diversification and import prohibitions that are structurally embedded in the EU’s ‘internal market’ legal framework. The REPowerEU Gas Regulation further amends and aligns existing energy-security legislation with these objectives, including [Regulation \(EU\) 2017/1938](#) concerning measures to safeguard the security of gas supply, and represents the culmination of the EU’s transition from crisis-driven intervention to a durable framework for energy-trade governance. **By establishing a permanent regulatory regime for the phase-out of imports of natural gas from Russia, the REPowerEU Gas Regulation thus also lays the groundwork for the potential extension of this regime to other fossil fuels, including oil.**

## The REPowerEU Gas Regulation: Key Elements

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### 1. Scope

The REPowerEU Gas Regulation applies to natural gas falling under CN code 2711 11 00 (i.e., LNG) and CN code 2711 21 00 (i.e., pipeline gas).

### 2. Import ban on natural gas from Russia

#### (1) Prohibition in principle

Article 3 of the REPowerEU Gas Regulation establishes a prohibition on the import of natural gas from Russia to the EU. This covers both pipeline gas and LNG:

- **Pipeline Gas:** natural gas in gaseous state that originates in or is exported, directly or indirectly, from Russia.
- **LNG:** LNG that originates in or is exported, directly or indirectly, from Russia — or that is obtained from pipeline gas extracted in Russia. Moreover, the prohibition also extends to LNG that originates in or is exported, directly or indirectly, from Russia or that is obtained from pipeline gas extracted in Russia contained in mixtures.

The import ban on Russian natural gas enters into force on **18 March 2026**.

#### (2) Temporary exemption for short-term and long-term supply contracts

Article 4 of the REPowerEU Gas Regulation provides for a temporary exemption from the import prohibition

under Article 3, in order to facilitate imports of covered Russian natural gas products in the context of existing supply contracts. These exemptions are however only relevant for operators with supply contracts concluded **before 17 June 2025** and cannot be utilised to go beyond the contracted quantities (*i.e.*, the quantities of natural gas that a buyer is obligated to purchase and a seller is obligated to provide, as specified in the original contract). The relevant exemptions and their conditions are as follows:

- **General exemptions:**

- Pipeline Gas: where it can be demonstrated to the relevant authorities that the imports are carried out under a pre-existing short-term supply contract (*i.e.*, less than one year) that has been concluded before 17 June 2025 and has not been amended since this date, the prohibition for pipeline gas will only apply as of **17 June 2026**. For long-term contracts (*i.e.*, more than one year), the application of the prohibition may be delayed until **30 September 2027**. In exceptional circumstances, depending on the specific EU Member State's target for underground storage, this may be further extended to 1 November 2027 — through the adoption of an implementing decision by the European Commission.
- LNG: where it can be demonstrated to the relevant authorities that the imports are carried out under a pre-existing short-term supply contract that has been concluded prior to 17 June 2025 and has not been amended since this date, the prohibition for imports of LNG will only apply as of **25 April 2026**. For long-term contracts, the application of the prohibition may be delayed until **1 January 2027**.

- **Land-locked country exemption:**

With regard to landlocked countries with no direct access to the sea, Article 4(4) of the REPowerEU Gas Regulation provides that the import ban for Russian pipeline gas will apply only as of **30 September 2027** (with the possibility for the European Commission to further delay this until 1 November 2027). In order for this exemption to apply, **two** cumulative conditions must be demonstrated to the relevant authorities: namely (i) the imports are carried out under a short-term supply contract with delivery to a landlocked country which is necessary to fulfill a long-term supply contract; and (ii) this long-term supply contract must have been concluded prior to 17 June 2025 (and not amended thereafter) and concern gas supplies originating in or exported from Russia — for which delivery at the original delivery point at a border between the EU and a third country is no longer possible.

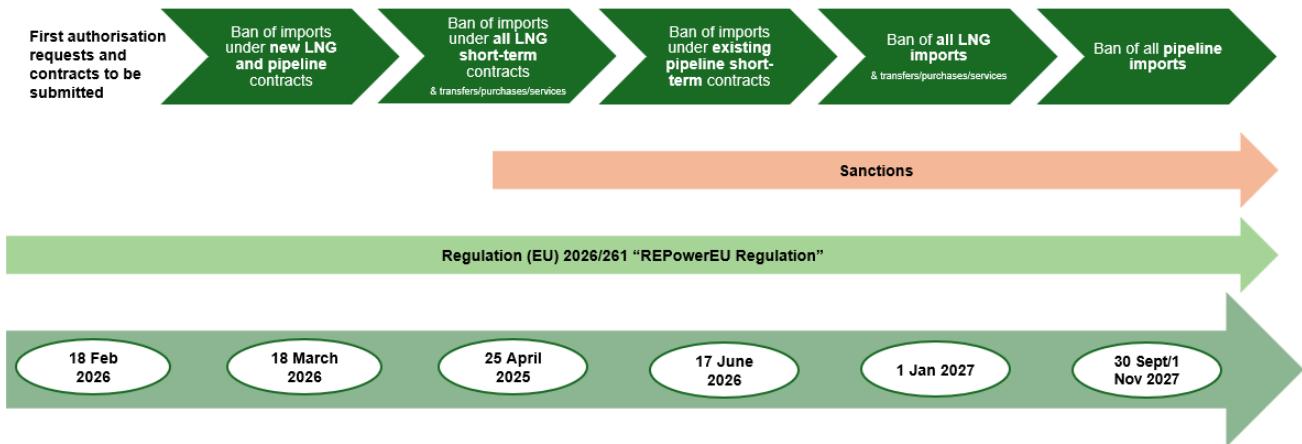
- **Exemptions where supply contracts have been amended since 17 June 2025:**

Article 4(5) of the REPowerEU Gas Regulation provides that the above-mentioned exemptions may also apply with respect to supply contracts that have been amended after 17 June 2025 in certain circumstances, provided that the amendments to the supply contract are of the following nature:

- Lowering contracted quantities;
- Lowering prices and fees;
- Amending confidentiality clauses;
- Amending operational procedures, such as communication procedures;
- Changes of addresses of contract parties;

- Transfers of contractual obligations between affiliated undertakings;
- Changes required by judicial or arbitration procedures; or
- For landlocked countries, changes of national delivery points.

### (3) Timeline overview



### 3. Prior authorisation framework for all natural gas imports

In addition to the import ban targeting Russian natural gas imports, Article 5 of the REPowerEU Gas Regulation establishes a new overarching framework governing the importation of natural gas to the EU. Under this new regulatory framework, all imports of natural gas — even where the country of production is not Russia — will be subject to prior authorisation obtained from the relevant Member State authorities.

Certain countries may be exempted from the prior authorisation requirement, in accordance with Article 5(4) of the REPowerEU Gas Regulation. The European Commission has specified in its [Guidance](#) that imports from Norway, the United States, the United Kingdom, Algeria, Qatar and Nigeria are to be exempted on this basis, and has furthermore indicated that it will publish an updated list on its [REPowerEU webpage](#) in the coming days (which is likely to at least include the above countries). Currently, there is limited information available as to how this exemption would be administered in practice at the EU border — and indeed whether the mere fact that natural gas is shown to have been dispatched from one of the exempted countries would be sufficient in this regard.

The prior authorisation requirement applies as of **18 February 2026**. The prior authorisation request should be made in the EU Member State where the natural gas is to be “*released for free circulation*” in the EU market — which in practice means the EU country in which the natural gas is customs cleared for sale/use within the EU. In terms of *who* is subject to the prior authorisation requirement under the REPowerEU Gas Regulation, the European Commission has stated in its [Guidance](#) that “*the notification has to be submitted by the economic operator who lodges the declaration for release for free circulation or its representative.*”

In order to obtain the necessary authorisation, the operator must provide the relevant EU Member State authority with “*all information necessary*” to establish the country of production of that natural gas, no later than **5 working days** before its entry into the EU customs territory. The reference to the notion of ‘country of production’ — rather than ‘country of origin’ — is important in this context. As the European Commission has explained in its [Guidance](#) on the REPowerEU Gas Regulation “*the country of production of gas which has been*

*extracted in the Russian Federation remains the Russian Federation, even if it has subsequently been liquified, re-gasified or otherwise processed in another country. It is therefore not sufficient to just provide information in which country the gas has last been liquified, re-gasified or otherwise processed to establish the country of production for the purpose of the REPower Gas Regulation.”*

The European Commission has stated that the information to be provided to establish the country of production may include — but is not limited to — documentation proving the place of extraction of the gas and its liquefaction (as appropriate), upstream delivery documentation, evidence on the route of the delivery (i.e., such as publicly available satellite tracking of LNG cargoes or tracking information from the European Maritime Safety Agency), or sales contracts. In principle, evidence is not subject to any specific conditions. The degree of evidence to be provided may vary depending on the individual circumstances of a shipment. The key requirement is that sufficient evidence is provided demonstrating that the country of production of the natural gas is not Russia.

The Member State authority may request more detailed information where it deems the information provided in support of a request to be insufficient — and may rely on information from other sources. Ultimately, if the information that has been provided is considered to be inconclusive, the **importation of the natural gas may be refused.**

The European Commission is expected to publish further guidance on the prior authorisation procedure in the near future, providing further insight on the types of documentation/evidence to be submitted for the purposes of a request for authorisation.

#### **4. Import of Russian natural gas under the temporary exemptions**

The prior authorisation requirement also applies where a temporary exemption for a short-term or long-term supply contract is requested under Article 4 of the REPowerEU Gas Regulation. As part of such a request, operators must provide detailed information, which shall “at least” include:

- Date of the conclusion of the gas supply contract;
- Duration of the gas supply contract;
- Contracted quantities, including all upward or downward flexibility rights;
- Identity of the parties to the gas supply contract, including, for parties registered in the Union, the Economic Operator Registration and Identification ('**EORI**') number;
- For LNG imports, the place of liquefaction and the port of first loading;
- In the case of mixtures, documentation proving the quantities of natural gas that originates in or is exported from Russia and the quantities of natural gas from other countries of origin contained in the mixture and information establishing the mixing process;
- Delivery points, including possible flexibilities concerning delivery points;
- Any amendment of the gas supply contract, indicating the content and the date of the amendment, with the exception of amendments which relate solely to the gas price; and
- For contract amendments after 17 June 2025 regarding the price of the natural gas, information on the price amendment.

This information must be provided **no later than one month** before entry of the natural gas into the EU.

## 5. Obligation to notify existing supply contracts for Russian natural gas

The REPowerEU Gas Regulation establishes an obligation for importers and gas undertakings to notify information related to existing gas supply contracts for gas that originates in or is exported from Russia to the relevant Member State competent authorities and the European Commission, within **four** weeks of entry into force (i.e., by 3 March 2026). The following information must be provided by that date:

- Date of the conclusion of the gas supply contract;
- Duration of the gas supply contract;
- Contracted quantities, including all upward or downward flexibility rights;
- Identity of the parties to the gas supply contract, including, for parties registered in the EU, the EORI number;
- For LNG imports, the place of liquefaction and the port of first loading;
- In the case of mixtures, documentation proving the quantities of natural gas that originates in or is exported, from Russia and the quantities of natural gas from other countries of origin contained in the mixture and information establishing the mixing process;
- Delivery points, including possible flexibilities concerning delivery points;
- Any amendment of the supply contract, indicating the content and the date of the amendment, with the exception of amendments which relate solely to the gas price;
- For contract amendments after 17 June 2025 regarding the price of the natural gas, information on the price amendment;
- Information on the quantities to be supplied and taken, including possible flexibilities under take-or-pay provisions or deliver-or-pay provisions;
- Delivery schedules (LNG) or nominations (pipeline gas);
- Possible contractual flexibilities concerning the annual contracted quantities, including make-up quantities;
- Conditions for the suspension or termination of gas deliveries, including force majeure provisions;
- Information on which law governs the contract and which arbitration mechanism is chosen; and
- Key elements of other commercial agreements that are relevant for the execution of the gas supply contract, excluding price information.

A failure to properly notify such existing supply contracts on time may lead to the imposition of penalties (see, Section 6 below).

## 6. Penalties

Article 8 of the REPowerEU Gas Regulation provides that the EU Member States shall determine the penalties for a violation of the above requirements, in line with their own domestic laws. That said, the REPowerEU Gas Regulation prescribes the maximum penalties that may be imposed:

- For **legal persons**, any of the following:
  - 3.5% of the operator's total worldwide annual turnover for the preceding financial year;
  - EUR 40 million; or

- 300% of the estimated transaction turnover (to be calculated on the basis of the volume of the natural gas involved and the 'day-ahead' contract prices on the TTF market).
- For **natural persons**, a fine of EUR 2.5 million.

In practice, the penalties are most likely to be imposed on the 'importer' of the natural gas in question, that makes the declaration for customs clearance at the EU border — and potentially also its representative (as relevant).

By the same measure — although in principle not expressly excluded — we consider it less likely that penalties would be imposed with respect to any intermediaries (e.g., transport carriers or offshore storage facility operators), where these are not involved in the EU customs formalities. Ultimately, where an authorisation has not been sought/properly obtained, the import in question may simply be refused.

## Practical Tips for Compliance

The REPowerEU Gas Regulation will have significant implications for companies engaged in exporting natural gas to the EU (whether pipeline gas, LNG, or mixtures). At a minimum, it will create a considerable burden for all natural gas exports to the EU, and, in particular, will pose significant challenges for companies with supply chains involving Russian extracted natural gas.

We therefore recommend that businesses act without delay and take proactive steps to anticipate how their operations will be affected — and prepare for compliance as necessary. In particular, operators should:

- Carefully monitor and adhere to the prior authorisation requirements for imports of natural gas, both for natural gas from Russia subject to the gradual phase-out measures and natural gas from all other countries. Failure to obtain a valid authorisation with respect to your importation **can result in refusal of entry into the EU**. Begin your preparation well in advance of the shipment dates to allow adequate time for processing by the Member States' customs authorities.
- Gather and prepare complete, accurate documentation to support import authorisation applications. This should include all relevant contract details — e.g., conclusion dates, volumes, delivery points, and counterparties.
- Implement internal systems that are capable of producing detailed and verifiable evidence of the country of production for all relevant supplies. This is particularly critical for LNG mixtures with multi-jurisdictional origins. Note that this also applies when your contract partner is not the producer, which may make obtaining the necessary information more difficult (for this reason, we recommend introducing contractual provisions to enable such information to be requested). Internal controls should ensure that records supporting import declarations meet EU standards, and that all correspondence with the relevant customs authorities is properly logged and archived for future reference, and in the event that potential conflicts that may arise in particular.

- Clearly document amendments or operational changes to your supply contracts, including modifications to delivery terms, routing, or counterparties.
- Determine the national authority in the Member State of entry that will be responsible for issuing your authorisations. In that regard, you can consult [this list](#) provided by the European Commission. Where possible, seek clarification on the level of detail and format required for your submissions in order to minimise the risk for additional queries, delays, or even rejections.
- Bear in mind that the authorisation obligations may apply on a 'per-import' basis, even under a single overarching supply contract – unless otherwise agreed with the relevant authority. The European Commission has already noted that, in particular for non-Russian gas, there is certainly scope for simplification of the process and supporting documentation to be provided in cases where there are significant assurances that parameters of subsequent deliveries correspond to parameters already verified. The authorisation *may* cover a contract which is implemented with more than one declaration, however under conditions to be determined by the authorising authority. Aspects to be taken into account include whether the declaration comes from an Authorised Economic Operator ('**AEO**'), whether there is a strong track record of compliance, and taking into account the frequency of the imports, shipment volumes, or contract duration.
- If your operations have a **nexus with Russia**, it is particularly relevant to:
  - Conduct a comprehensive review of your contractual portfolio, considering that short-term supply contracts are being phased-out within the next four months and long-term supply contracts are being phased-out by Autumn 2027. In addition, you should assess the feasibility of re-negotiating existing supply contracts or adjusting the commercial terms included therein to align them with the EU's regulatory timelines.
  - Re-evaluate your reliance on gas routed from or through Russia, including any interconnection points, transit arrangements, and indirect routes. Consider strategic supply diversification by expanding sources, for example from or through Norway, the United States, Qatar, or any other non-Russian suppliers.
  - Anticipate the introduction of a similar framework with regard to Russian oil in the near future.

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