



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

Directorate B - Internal Energy Market
Acting Director

Brussels,
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ENTSOG
Stephan Kamphues
President
Brussels
Delivered by e-mail

Subject: Invitation to draft a network code on Interoperability and Data Exchange Rules for European Gas Transmission Networks

Dear Mr Kamphues,

On 26 July 2012, the Commission has received from ACER the framework guideline on interoperability and data exchange rules. The Commission has examined the framework guideline in accordance with the criteria laid out in Article 6(4) of Regulation (EC) No. 715/2009. The Commission has found that the framework guideline satisfies those criteria.

Following the work on market-related issues such as congestion management, capacity allocation and balancing this framework guideline focuses on the technical harmonization necessary to achieve a properly functioning integrated market. Therefore, with the aim of delivering real progress to the European gas market without undue delay, the Commission would like to invite ENTSOG in accordance with Article 6(6) of Regulation (EC) No. 715/2009 to submit a network code which is in line with the framework guideline accompanied by an impact assessment of the network code to ACER by **11 September 2013**.

The network code should cover the following areas: Interconnection Agreement, Units, Gas Quality (aspects not directly dealt with in the context of CEN mandate M/400), Odourisation and Data Exchange.

In view of the fact that capacity calculation is addressed already in the network code on capacity allocation mechanisms (CAM) and the close relationship of this topic with both that network code and the recently adopted guidelines on congestion management procedures, we would consider it beneficial if the respective section of the CAM network code were to be supplemented along the lines of this framework guideline. The Commission is considering making use of its right of proposal to put forward a text for comitology in this regard.

Commission européenne, B-1049 Bruxelles / Europese Commissie, B-1049 Brussel - Belgium Telephone: (32-2) 299 11 11.
Office DM24 6/83. Telephone: direct line (32-2) 2968475. Fax: (32-2) 2964574.

E-mail: jean-arnold.vinois@ec.europa.eu

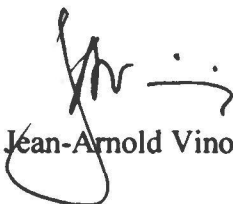
The network code should be sufficiently specific for immediate application by TSOs and shippers upon its entry into force. It should in particular not require prior determinations or specifications by national regulators. Where the framework guideline leaves room to ENTSOG to exercise discretion, ENTSOG should, when in doubt, interpret this discretion in favour of European harmonisation, rather than individualised solutions on national or regional level.

The Commission believes that an important aspect of ensuring the quality of policy proposals, in particular in a multi stage process such as the network code development process, is to undertake an impact assessment at each respective stage, assessing the issues dealt with. May I therefore particularly draw your attention to the need to prepare an impact assessment, building on the work done by ACER. It shall focus on the network code development process, identify the problem to be solved, and assess the impact of the possible policy options considered to reach the objectives set out in the network code.

A broad involvement of stakeholders in the process of developing the network code on interoperability and data exchange rules is crucial. Therefore the Commission encourages ENTSOG to continue the inclusive process it has implemented in its previous two network code projects.

May I kindly ask you to let us have your planning for the development of the network code and the impact assessment, specifying when and how stakeholders will be consulted. The Commission services are at your disposal to discuss any questions which may arise, both on process and merits.

Yours sincerely,



Jean-Arnold Vinois