



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

Directorate B - Internal Energy Market
The Director

Brussels,
ENER.B2/TH/os s(2013) 4014622

ENTSOG
Stephan Kamphues
President
Brussels
Delivered by e-mail

Subject: Invitation to draft an amendment on incremental and new capacity to the Network Code on Capacity Allocation Mechanisms

Dear Mr Kamphues,

On 30 November 2013, the Commission has received from ACER a guidance paper for the development of an amendment of the Network Code on Capacity Allocation Mechanisms on the matter of incremental and new capacity.

The Commission has examined the guidance paper and endorses it.

Therefore the Commission invites ENTSOG in accordance with Article 7(1) of Regulation (EC) No. 715/2009 to submit to ACER – based on the guidance paper – an amendment to the Network Code on Capacity Allocation Mechanisms **by 31 December 2014**. The network code amendment on incremental and new capacity should be sufficiently specific for immediate application upon its entry into force.

The Commission invites ENTSOG to ensure that, where relevant, this network code amendment is developed in coordination with the work on the Network Code for Tariff Structures in Gas Transmission Networks.

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 or the amendment thereof, is to undertake an impact assessment with regard to each respective stage, reasoning and assessing the policy choices made. The Commission therefore invites ENTSOG to build on the impact assessment work initiated by ACER¹ and present ACER an impact assessment of the network code by **31 December 2014**.

¹ http://www.energy-regulators.eu/portal/page/portal/EER_HOME/EER_WORKSHOP/CEER-ERGEG%20EVENTS/GAS/CEER-ACER_Gas_Incremental_Capacity/Agenda/Impact%20assessment%20of%20policy%20options%20on%20incremental%20capacity%20for%20EU%20gas%20transmission.pdf

Last but not least, a broad involvement of stakeholders in the process of developing the network code amendment is crucial. Therefore the Commission encourages ENTSOG to continue the inclusive process it has developed.

The Commission services are at your disposal to discuss any questions which may arise.

Yours sincerely,

Klaus-Dieter Borchardt
(electronically signed)

c.c.: Lord Mogg, Alberto Pototschnig; Vittorio Musazzi; Walter Boltz;
Madrid Forum Participants