

Conditions for access to the natural gas transmission networks. Third energy package

2007/0199(COD) - 09/01/2009 - Council position

The Council unanimously adopted its common position in the form of a recast of Regulation (EC) No 1775 /2005 (the current legislative act will therefore be repealed). To the extent possible the Council has followed the Commission's approach regarding an identical treatment of the electricity and gas sectors.

Concerning the 47 amendments adopted by the European Parliament at first reading, the Council has followed the Commission in accepting, in part or in full, 7 amendments and in rejecting 6 other amendments.

Regarding the European Parliament amendments where the Council has deviated from the Commission position, the Council accepted 3 amendments and rejected 30.

The Council also introduced the following modifications to the Commission proposal:

Certification of Transmission System Operators (TSOs): the Council considered it appropriate to transfer the part of the certification procedure which sets out the role of the Commission in this procedure from the Gas Directive to the new Regulation.

Establishment and modification of network codes: the common position sets out more in detail the procedure for the establishment of network codes and another - shorter - procedure for the modification of network codes. It has given a clear role to the Agency which should develop non-binding framework guidelines as a basis for the network codes to be established by the European Network of Transmission System Operators (ENTSO), review the draft network codes and assess proposed modifications to the network codes. If necessary, the Commission may adopt those codes through the committee procedure in order to make them binding.

Monitoring by the Agency: the Council introduced two paragraphs setting out the monitoring role of the Agency in relation to the implementation of the network codes by ENTSO.

Transparency / confidentiality requirements: the Council considered it important that confidentiality for commercially sensitive data regarding storage can be ensured, subject to approval by the regulatory authority.

Retail markets: the Council considered it appropriate to take out the cross-border reference, and transfer it from the Regulation to the gas Directive.

Other issues: the Council considered it appropriate to use the term "network development plan" instead of "investment plan" and to clarify that these plans are of a non-binding nature.