

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

2007/0199(COD) - 22/04/2009 - Text adopted by Parliament, 2nd reading

The European Parliament approved as amended, under the second reading of the codecision procedure, the Council's common position for adopting a regulation of the European Parliament and of the Council on conditions for access to the natural gas transmission networks and repealing regulation (EC) No 1775 /2005.

The amendments are the result of a compromise negotiated with the Council on the package of energy market legislation.

The compromise gives Member States the possibility to choose between three options for separating supply and production activities from network operations - both for gas and electricity markets: (a) full ownership unbundling; (b) the independent system operator (ISO); (c) the independent transmission operator (ITO).

The main amendments are as follows:

Cross-border gas interconnection capacity: a sufficient level of cross-border gas interconnection capacity should be achieved and market integration fostered in order to complete the internal market in natural gas.

Regional cooperation: Member States should promote cooperation and monitor the effectiveness of the network operations at regional level. Cooperation at regional level should be compatible with progress towards a competitive and efficient internal market in gas.

Compliance with the rules: to enhance trust in the market, its participants need to be sure that those engaging in abusive behaviour can be subjected to effective, proportionate and dissuasive penalties. Furthermore, the competent authorities should regularly monitor the compliance of the transmission system operators with the rules.

Community-wide 10-year plan: in order to ensure greater transparency regarding the development of the gas transmission network in the Community, the European Network of Transmission System Operators (ENTSO) for Gas should draw up, publish and regularly update a non-binding Community-wide 10-year network development plan. Viable gas transmission networks and necessary regional interconnections, relevant from a commercial or security of supply point of view, should be included in that network development plan.

European network of transmission system operators for gas: all transmission system operators shall cooperate at Community level through the ENTSO for Gas, in order to promote the completion and functioning of the internal market in natural gas and cross-border trade and to ensure the optimal management, coordinated operation and sound technical evolution of the natural gas transmission network.

Establishment of the ENTSO for Gas: the Agency, after formally consulting the organisations representing all stakeholders, in particular the system users including customers, shall provide an opinion to the Commission on the draft statutes, list of members and draft rules of procedure.

Establishment of network codes: the Commission shall request the Agency to submit to it within a reasonable period of time not exceeding six months a non-binding framework guideline setting out clear and objective principles for the development of network codes relating to the areas identified in the priority list. Each framework guideline shall contribute to non-discrimination, effective competition and the efficient functioning of the market.

Once the Agency is satisfied that the network code is in line with the relevant non-binding framework guidelines, the Agency shall submit the network code to the Commission and may recommend that it be adopted within a reasonable time period. If the Commission does not adopt the code, it shall state the reasons why.

Modification of Network Codes: the Agency shall consult all stakeholders in accordance with the Regulation establishing an Agency for the Cooperation of Energy Regulators.

Tasks of the ENTSO for Gas: the ENTSO for Gas shall adopt, inter alia: (i) common network operation tools to ensure co-ordination of network operation in normal and emergency conditions, including a common incidents classification scale; (ii) recommendations on the coordination of technical cooperation between Community and third-country transmission system operators.

The Agency shall review national 10-year network development plans to assess their consistency with the non-binding Community-wide 10-year network development plan. If the Agency identifies inconsistencies between a national 10-year network development plan and the non-binding Community-wide 10-year network development plan, it shall recommend amending the national network development plan or the non-binding Community-wide 10-year network development plan as appropriate.

Monitoring by the Agency: where the ENTSO for Gas has failed to implement any such network codes, the Agency shall request the ENTSO for Gas to provide a duly reasoned explanation as to why it has failed to do so. The Agency shall inform the Commission of this explanation and provide its opinion thereon.

Capacity allocation mechanisms and congestion management procedures: the transmission system operator shall implement and publish non-discriminatory and transparent congestion management procedures which facilitate cross-border exchanges in gas on a non-discriminatory basis.

Transparency requirements: the transmission system operator shall make public ex-ante and ex-post supply and demand information, based on nominations, forecasts and realised flows in and out of the system. The national regulatory authority shall ensure that all such information is made public.

In order to ensure transparent, objective and non-discriminatory tariffs and facilitate efficient utilisation of the infrastructures, the LNG and storage facility operators or relevant regulatory authorities shall make public sufficiently detailed information on tariff derivation, methodologies and structure of tariffs for infrastructure under regulated third-party access.