

Energy: internal market in natural gas, cross-border exchanges, access to the transmission networks

2003/0302(COD) - 12/11/2004 - Council position

Regarding the 41 amendments of the European Parliament, the Council has followed the Commission in accepting:

- 22 amendments fully (sometimes with redrafting);
- 3 partially;
- 5 in principle.

The Council has rejected 18 amendments on grounds of substance and/or of form.

Concerning the Commission proposal, the Council has introduced certain modifications.

The main changes introduced by the Council concern the Guidelines referred to in Article 9 the scope of which the Council has reduced. The Commission's ability to adopt new Guidelines through the committee procedure has been deleted from the Commission proposal. The Commission now has the competence to amend the Guidelines laid down in the Annex of the draft Regulation. These Guidelines concern third party access services, the principles of capacity allocation mechanisms and congestion management procedures, and transparency requirements. The Council has also introduced an additional paragraph to Article 9 where it is made clear that differences between national gas systems should be reflected in the Guidelines and their application and future amendments.

The Council has also delayed the date of application of the Regulation from 1 July

2005 to 1 July 2006 except for Article 9(2) for which the date of application is 1 January 2007.

Other changes include the following:

- the introduction of two new definitions of "unused capacity" and of "firm services";
- the deletion of the definitions of new market entrants and of small player. The Council considers that the Regulation should apply to all market actors in the same way.
- finally, there is a new clause to ensure that the use of auctions is a possible means to determine tariffs.