

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

2003/0302(COD) - 16/11/2004 - Commission communication on Council's position

The Commission feels that the Common Position fully corresponds to the proposal from the Commission with respect to its substance. A number of other changes introduced by the Council and the European Parliament clarify the provisions of the Regulation with respect to its consistency with Directive 2003/55/EC or supplement them. Member States have not only acknowledged the need for the regulation as such, but also the fact that its scope has to go beyond pure cross-border issues, in order to avoid distortion of competition and discrimination. With regard to Parliament's amendments, the Commission concurred with the Council's view. In particular, it rejected Parliament's amendment restricting the scope to cross-border issues. Such a restriction of the scope would render it impossible to achieve the underlying objectives of the Regulation, and would not enable the Regulation to ensure the necessary level playing field in terms of access conditions, in particular with Member States with more than one transmission system operator. Issues addressed by the Regulation are relevant throughout gas networks and are not confined to inter-connections. Restricting the scope of the regulation to cross-border trade would therefore render the proposed regulation almost useless.

The Commission accepted the Parliament's definition of "network users" as it provides clarification and simplification without limiting the scope of the definition as proposed by the Commission.

On the matter of comitology, the Commission notes that the Council has reduced the scope of the comitology procedure as proposed by the Commission. It has deleted all subjects not yet covered by Guidelines annexed to the Regulation. Only those subjects addressed already by the annexed Guidelines have been maintained. The subjects taken out by the Council could be addressed at a later stage, e.g. when submitting the report pursuant to Article 30 of Directive 2003/55/EC (2nd Internal Gas Market Directive).

Finally, the Commission accepted an entry into force of the Regulation delayed by one year compared to its original proposal. In addition, it accepted that the Guidelines annexed to the Regulation should not be amended before 1 January 2007. As the Commission considers the Guidelines contained in the Annex to the Regulation sufficiently complete, comprehensive and developed in order to respond properly to market requirements, it could accept this proposal, too.