Energy: rules for the internal market in natural gas. 'Gas Directive'

2001/0077A(COD) - 26/06/2003 - Final act

PURPOSE : to establish common rules for the transmission, distribution, supply and storage of natural gas. COMMUNITY MEASURE : Directive 2003/55/EC of the European Parliament and of the Council concerning common rules for the internal market in natural gas and repealing Directive 98/30/EC. CONTENT : This Directive aims to arrive at a level playing field for all market actors on the gas markets in the EC. Whilst Directive 98/30/EC has produced benefits for large consumers in terms of lower prices and better service standards, it has left open to Member States certain choices in terms of market opening, organisation of access to the network and regulation of the market. Experience has demonstrated that this situation leads to distortion of competition, as some Member States' markets are more open to competition that others. This Directive seeks to achieve full progressive opening of the gas market, and high standards of public service. It abolishes the choice of negotiated access to the gas networks and obliges Member States legally to separate the transmission and distribution network operators from other parts of the business. In addition, all Member States must establish a regulatory authority with a minimum set of competencies. The directive provides for the liberalisation of Community gas markets for non-household users by 1 July 2004, and a complete opening for all users by 1 July 2007. It establishes provisions on the unbundling of transmission and distribution operators, public service obligations, regulatory tasks, and third party access to gas storage. The main points are as follows: - distribution and transmission systems must be operated through legally separate entities where vertically integrated undertakings exist; - small companies may be exempt from the legal distribution unbundling requirements; - tariffs must be applicable to all system users on a non-discriminatory basis; - regulatory authorities must have the competence to fix or approve tariffs, which must be published prior to their entry into force; - with regard to storage, the Directive states that the rules must not lead to distortion of competition or discrimination in the access to storage; where a storage facility, linepack or ancillary service operates in a sufficiently competitive market, access will be allowed on the basis of non-discriminatory market-based mechanisms; - biogas and gas from biomass must be granted non-discriminatory access to the gas system. Rules must ensure that these gases can technically be injected into and transported through the natural gas system; - common minimum standards regarding public service requirements are specified in the Directive. These take into account the objectives of common protection, security of supply, environmental protection and equivalent levels of competition in all Member States; - the Commission must publish a report on an annual basis analysing measures taken at national level to achieve public service objectives and comparing their effectiveness. DATE OF TRANSPOSITION : 01/07/04. ENTRY INTO FORCE : 04/08/03.