



Targeted Stakeholder Consultation Paper

Priority list for the development of gas network codes and guidelines for 2021 (and beyond)

The Third Energy Package has created the institutional set-up for developing network codes with a view to harmonising, where necessary, the technical, operational and market rules governing the gas grids. In this institutional set-up there is a key role for the Agency for the Cooperation of Energy Regulators ("ACER"), for the European Networks of Transmission System Operators for Gas ("ENTSOG") and for the European Commission to work in close cooperation with all relevant stakeholders on the development of network codes.

The process of developing network codes is defined in Articles 6 and 8 of Regulation (EC) No. 715/2009 ("Gas Regulation") and the areas in which network codes can be developed are set out in Article 8(6) of the Gas Regulation. Besides the possibility to develop network codes, the European Commission can develop guidelines on its own initiative. The areas in which guidelines can be developed are set out in Article 23(1) of the Gas Regulation.

According to Article 6(1) of the Gas Regulation, where there are plans to develop new network codes, the Commission has to establish an annual priority list identifying the areas to be included in the development of network codes.¹ Under the same provision, before establishing the priority list, the Commission has to consult ACER, the ENTSOG and the other relevant stakeholders.

The purpose of this document is to have a targeted consultation of relevant stakeholders on the possible priorities for the development of network codes and guidelines for 2021 for gas. Input on priorities beyond these time horizons is also welcome.

1 Priorities regarding gas networks rules for 2020

Harmonised rules on congestion management procedures, capacity allocation, balancing, interoperability and data exchange, and harmonised transmission tariff structures for gas have already been adopted, published and are being implemented in the Member States².

In addition, ACER informed the Commission in June 2014 that, according to its scoping exercise³, the necessity of harmonised rules for gas trading related to technical and

¹ Annual priority lists were adopted in the past for the years 2013, 2014, 2015, 2016, 2017, 2018 and 2020. For 2019, the Commission did not establish any list, as there were no plans to develop new network codes or guidelines.

² https://ec.europa.eu/energy/topics/markets-and-consumers/wholesale-energy-market/gas-network-codes_en

³ Commission decision on the annual priority list for 2014 had foreseen this scoping exercise (OJ 2013, L 224, 14).

operational provisions of network access services and system balancing was at that time not demonstrated⁴.

Having regard to: (i) the Commission's ongoing work to implement the European Green Deal in the frame of the "Fit for 55 Package", i.e. the revision of the Gas Directive and Gas Regulation⁵; (ii) the fact that in recent years the most apparent priorities for gas network codes have been identified, the relevant network codes have been developed and adopted; and (iii) the fact that the implementation of network codes and guidelines requires significant resources from all relevant parties including the Commission, ACER and ENTSOG, the Commission proposes to continue prioritising the implementation work in 2021.

The Commission therefore proposes not to include new items on the priority list for 2021 for the development of harmonised gas rules but to focus on the implementation of the existing market rules in all Member States.

2 Annual priorities for gas beyond 2021

Even though the European Commission proposes to focus in 2021 on the implementation work already started in the previous years, it wants to encourage stakeholders at an early stage to give their input on the need and possible scope of network codes and guidelines that could be envisaged as key areas beyond 2021⁶.

3 Consultation

The Commission would welcome feedback from stakeholders on whether they agree with the proposal not to include new items on the priority list for 2021 for the development of gas network codes and guidelines and to present their views on possible network codes and guidelines beyond 2021. Input to the consultation should be sent by 29 January 2021 by e-mail to ENER-NC-PRIORITIES@ec.europa.eu.

All responses will be published in full unless it is specifically indicated that the information contained within the response is confidential. Following the consultation period, the Commission will evaluate the input received and where it identifies new areas for the development of network codes, it will adopt a decision setting the priorities for 2021.

The Commission notes that even when a key area is set on the priority list 2021, it may not result in a network code or guideline being adopted by the end of this period. Furthermore, the Commission can initiate work on other areas.

⁴ ACER has in particular assessed whether further harmonised rules on i) capacity products and terms and conditions of capacity contracts and transparency thereof (in particular limitations to free allocability), ii) secondary capacity markets, iii) virtual trading point design/access, and hub issues or iv) licensing requirements for market participants other than TSOs are needed; http://www.acer.europa.eu/Gas/Framework%20guidelines_and_network%20codes/Pages/Rules-for-Trading.aspx

⁵ Directive 2009/73/EU and Regulation 715/2009/EU, https://ec.europa.eu/info/sites/info/files/2021_commission_work_programme_annexes_en.pdf

⁶ The areas in which network codes can be developed are set out in the Articles 8(6) of the Gas Regulations. The areas in which guidelines can be developed are set out in Article 23(1) of the Gas Regulation.