



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

Directorate B - Security of supply, Energy markets & Networks
Acting Director

Brussels,
ENER/B2 D(2011) **17. 08. 2011**

ENTSOG
Stephan Kamphues
President
Brussels
Delivered by e-mail

Subject: Invitation to draft a network code on gas capacity allocation rules

Dear Mr Kamphues,

On 3 August 2011, the Commission has received from ACER the framework guideline on capacity allocation mechanisms (CAM) for gas transmission networks. The Commission has examined the framework guideline in accordance with the criteria laid out in Article 6(4) of the Gas Regulation. The Commission has found that the framework guideline satisfies those criteria.

In accordance with the conclusions of the latest Madrid Fora, and with the aim of delivering real progress to the European gas market without undue delay, I would like to invite ENTSOG in accordance with Article 6 (6) of Regulation (EC) No. 715/2009 to submit a network code which is in line with the framework guideline to the Agency by **9 March 2012**.

The Commission considers that the time to submit the network code shall be shorter than the maximum 12 months because ENTSOG has already worked on the CAM network code – based on the ERGEG pilot framework guideline – as requested by Mr Hilbrecht's letter to ENTSOG of 27 January 2011. This timing has also been discussed and agreed in the planning group.

Notwithstanding specific reviews to be conducted by national regulators on an ex post basis, the network code should be sufficiently specific for immediate application by TSOs and shippers upon its entry into force. It should in particular not require prior determinations or specifications by national regulators. Where the framework guideline leaves room to ENTSOG to exercise discretion, ENTSOG should, when in doubt,

interpret this discretion in favour of European harmonisation, rather than individualised solutions on national or regional level.

The Commission services are at your disposal to discuss any questions which may arise, both on process and merits.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'J. A. Vinois', written over the printed name. To the left of the signature is a small handwritten mark that looks like 'p.0'.

Jean-Arnold Vinois