Commission Regulation (EU) 2015/703 of 30 April 2015 establishing a network code on interoperability and data exchange rules (Text with EEA relevance)

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005[(1)] and in particular Article 6(11) thereof;

Whereas:

(1) Regulation (EC) No 715/2009 defines several tasks for the European network of transmission system operators for gas ('Entsog') and for the Agency for the Cooperation of Energy Regulators established by Regulation (EC) No 713/2009 of the European Parliament and of the Council[(2)] (the 'Agency'). Amongst these is the development of European-wide network codes in the areas referred to in Article 8(6) of Regulation (EC) No 715/2009 to be applied by all transmission system operators for gas.

(2) In order to encourage and facilitate efficient gas trading and transmission across gas transmission systems within the Union, and thereby to move towards greater internal market integration, a network code on interoperability and data exchange rules as referred to in Article 8(6)(e) and (d) of Regulation (EC) No 715/2009 should be established, on the basis of a draft developed by Entsog and recommended by the Agency and in accordance with the procedure set out in Article 6 of Regulation (EC) No 715/2009.

(3) The lack of harmonisation in technical, operational and communication areas could create barriers to the free flow of gas in the Union, thus hampering market integration. Union interoperability and data exchange rules should allow the necessary harmonisation in those areas, therefore leading to effective market integration. For that purpose and for facilitating commercial and operational cooperation between adjacent transmission system operators, this Regulation should address interconnection agreements, units, gas quality, odourisation and data exchange. It should provide rules and procedures to reach an appropriate level of harmonisation towards efficient gas trading and transport across gas transmission systems in the Union.

(4) Adjacent transmission system operators should reinforce transparency as well as cooperation between them where differences in gas quality and odourisation practices at either side of an interconnection point might create an obstacle to gas market integration.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) 2015/703. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

The obligations provided for in this Regulation with particular regard to gas quality and odourisation are without prejudice to the competences of Member States.

(5) The provisions of this Regulation relating to gas quality should provide effective solutions without prejudice to the adoption of a European-wide standard for high-calorific gas as is being developed by CEN pursuant to the standardisation process under mandate M/400.

(6) The interoperability rules fixed in Articles 13, 17 and 18 aim at ensuring market integration as prescribed by Article 8(7) of the Regulation (EC) No 715/2009 and have a broader scope of application than solely interconnection points.

(7) Article 13 of this Regulation does not affect the units or reference conditions used by Member States for the purposes of Article 1(2) of Directive 2009/142/EC of the European Parliament and of the Council[(3)]. The concerned parties may use the conversion table in the Annex in line with EN ISO 13443 'Natural Gas — Standard reference conditions'.

(8) Chapter V of this Regulation should ensure the appropriate degree of harmonisation of data exchange for supporting the completion and functioning of the European internal gas market, security of supply and appropriate and secure access to information, facilitating cross-border transmission activities.

(9) The measures provided for in this Regulation are in accordance with the opinion of the Committee established pursuant to Article 51 of Directive 2009/73/EC of the European Parliament and of the Council[(4)].

(10) In accordance with Article 8(8) and (9) of Regulation (EC) No 715/2009 Entsog should monitor and analyse the implementation of this Regulation and report its findings to the Agency in order to allow the Agency to fulfil its tasks under Article 9(1) of Regulation (EC) No 715/2009,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter and scope

1 This Regulation establishes a network code which sets out rules regarding interoperability and data exchange as well as harmonised rules for the operation of gas transmission systems.

2 This Regulation shall apply at interconnection points. With regard to data publication, Article 13 shall apply to relevant points defined in paragraph 3.2 of Annex I to Regulation (EC) No 715/2009. In addition to interconnection points, Article 17 shall apply to other points on transmission network where the gas quality is measured. Article 18 shall apply to transmission

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systems. This Regulation may also apply at entry points from and exit points to third countries, subject to the decision of the national authorities.

3 This Regulation shall not apply to interconnection points between Member States as long as one of these Member States holds a derogation on the basis of Article 49 of Directive 2009/73/EC, unless agreed otherwise by the respective Member States.

Article 2

Definitions

For the purposes of this Regulation, the definitions in Article 2 of Regulation (EC) No 715/2009, Article 3 of Commission Regulation (EU) No 984/2013[(5)], Article 3 of Commission Regulation (EU) No 312/2014[(6)] as well as in Article 2 of Directive 2009/73/EC shall apply. In addition, the following definitions shall apply:

(a) ‘exceptional event’ means any unplanned event that is not reasonably controllable or preventable and that may cause, for a limited period, capacity reductions, affecting thereby the quantity or quality of gas at a given interconnection point, with possible consequences on interactions between transmission system operators as well as between transmission system operator and network users;

(b) ‘initiating transmission system operator’ means the transmission system operator initiating the matching process by sending the necessary data to the matching transmission system operator;

(c) ‘lesser rule’ means that, in case of different processed quantities at either side of an interconnection point, the confirmed quantity will be equal to the lower of the two processed quantities.

(d) ‘matching process’ is the process of comparing and aligning processed quantities of gas for network users at both sides of a specific interconnection point, which results in confirmed quantities for the network users;

(e) ‘matching transmission system operator’ means the transmission system operator performing the matching process and sending the result of the matching process to the initiating transmission system operator;

(f) ‘measured quantity’ means the quantity of gas that, according to the measurement equipment from the transmission system operator, has physically flowed across an interconnection point per time period;

(g) ‘operational balancing account’ means an account between adjacent transmission system operators, to be used to manage steering differences at an interconnection point in order to simplify gas accounting for network users involved at the interconnection point;

(h) ‘processed quantity’ means the quantity of gas determined by the initiating transmission system operator and by the matching transmission system operator, which takes into account the network user's nomination or re-nomination and contractual provisions as defined under the relevant transport contract and which is used as the basis for the matching process;

(i) ‘steering difference’ means the difference between the quantity of gas that the transmission system operators had scheduled to flow and the measured quantity for an interconnection point.

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CHAPTER II

INTERCONNECTION AGREEMENTS

Article 3

General provisions

Adjacent transmission system operators shall ensure that at least the following terms and conditions detailed in Articles 6 to 12 are covered by an interconnection agreement in respect of each interconnection point:

(a) rules for flow control;

(b) measurement principles for gas quantities and quality;

(c) rules for the matching process;

(d) rules for the allocation of gas quantities;

(e) communication procedures in case of exceptional events;

(f) settlement of disputes arising from interconnection agreements;

(g) amendment process for the interconnection agreement.

Article 4

Information obligation

1 The transmission system operators shall identify the information contained in interconnection agreements that directly affects network users and shall inform them thereof.

2 Before concluding or amending an interconnection agreement which contains the rules referred to in Article 3(c), (d) and (e), transmission system operators shall invite network users to comment on the proposed text of those rules at least two months before the agreement is concluded or amended. The transmission system operators shall take the network users' comments into account when concluding or amending their interconnection agreement.

3 The mandatory terms of interconnection agreements listed in Article 3 or any amendments thereof concluded after the entry into force of this Regulation shall be communicated by the transmission system operators to their national regulatory authority and to Entsog within 10 days after conclusion or amendment of the agreement. Transmission system operators shall also communicate interconnection agreements upon request of competent national authorities of the Member State within 10 days.

Article 5

Interconnection agreement template

1 By 30 June 2015, Entsog shall develop and publish a draft interconnection agreement template covering the default terms and conditions set out in Articles 6 to 10.

2 Any national regulatory authority may provide an opinion on the compliance of the template with national law to the Agency by 31 August 2015. The Agency having due regard to

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the opinions of the national regulatory authorities shall then provide its opinion on the Entsog template by 31 October 2015. After taking into account the opinion provided by the Agency, Entsog shall publish on its website the final template by 31 December 2015.

3 If adjacent transmission system operators fail to agree on one or more of the terms and conditions set out in Articles 6 to 10 in their interconnection agreement in accordance with Article 3, they shall conclude an interconnection agreement on the basis of the Entsog template in respect of any term they failed to agree upon.

Article 6

Rules for flow control

1 In respect of flow control, the adjacent transmission system operators shall:

a ensure that rules are established in order to facilitate a controllable, accurate, predictable and efficient gas flow across the interconnection point;

b ensure that rules are established for steering the gas flow across the interconnection point and for minimising the deviations from the flow pursuant to the matching process;

c designate the transmission system operator who is responsible for steering the gas flow across the interconnection point. If the adjacent transmission system operators fail to agree on this designation, the transmission system operator that operates the flow control equipment shall, in cooperation with the other transmission system operator(s), be responsible for steering the gas flow across the interconnection point.

2 In order to steer the gas flow, the adjacent transmission system operators shall decide on the quantity and direction of the gas flow for each interconnection point and for each hour of the gas day.

The transmission system operator designated pursuant to point (c) of paragraph 1 shall be responsible for steering the gas flow across the interconnection point provided that contractual obligations regarding pressure are complied with by all adjacent transmission system operators:

a at a level of accuracy sufficient to minimise the steering difference; and

b at a level of stability in line with the efficient use of the gas transmission networks.

3 The quantity and direction of the gas flow decided by the adjacent transmission system operators shall reflect:

a the result of the matching process;

b the operational balancing account correction;

c any efficient flow control arrangements between the adjacent transmission system operators for purposes such as ramp-up, ramp-down, minimum flow, split of the flow at the virtual interconnection point if any, and/or switch of flow direction or operational cost efficiency;

d any arrangement managing cross-border trade restrictions due to gas quality differences pursuant to Article 15 and/or odourisation practices pursuant to Article 19.

4 A transmission system operator may decide to alter the quantity of gas or the gas flow direction or both, if this is needed, in order to:

a comply with provisions laid down in national or Union safety legislation applicable to the interconnection point;