

## ***Supporting Document Stakeholder Support Process***

### ***Public Consultation Responses Report***

### ***Public Consultation on the Draft Interoperability and Data Exchange Rules Network Code***

## Contents

1. Introduction .....	3
2. Overview of consultation responses.....	3
2.1. General Provisions.....	4
2.2. Dispute Resolution .....	5
2.3. Final Provisions .....	6
2.4. Interconnection Agreements .....	7
2.5. Units .....	21
2.6. Gas Quality .....	25
2.7. Odourisation .....	33
2.8. Data Exchange .....	38
3. ENTSG conclusions from consultation .....	40
Annex 1.....	41

## 1. Introduction

Between 27 February 2013 and 26 April 2013, ENTSOG held a 2-month Public Consultation to collect stakeholders' feedback on the initial draft Network Code on Interoperability and Data Exchange Rules (ref. INT0352-130227).

ENTSOG held a Consultation Workshop on 20 March 2013 to present the initial draft Network Code to the stakeholders and on 28 May 2013 a Conclusion Workshop during which the outcome of the Public Consultation was presented as well as the proposals of further refinements of the initial draft Network Code.

This report summarises the consultation responses received and ENTSOG's proposals for further refinements to be included in the refined draft Network Code (ref. INT0352-130709). It is intended to provide an accessible summary of the views on the issues raised in the Public Consultation as input for the Stakeholder Support Process.

This document shall not be construed as part of the refined draft Network Code, nor should it be considered to give rise to any specific right or obligation whatsoever to ENTSOG or any of its members as to any stakeholders.

## 2. Overview of consultation responses

ENTSOG received 37 responses from external stakeholders to the consultation, seven of which were marked as partially confidential. The consultation respondents are listed in Annex I. The received non-confidential responses to the Public Consultation are available on ENTSOG's website<sup>1</sup>.

In the text below, ENTSOG provides question by question a high-level summary of the consultation responses received and the conclusions for further refinement of the initial draft network Code. As mentioned above, the summary should be read while referencing the responses documents for a fuller appreciation of stakeholders' views. For some questions more detailed break down into number was provided, which in total is not equal to the amount of responses representing specific fields as some stakeholders in their response raised more than single reasoning for their answer.

---

<sup>1</sup> <http://www.entsog.eu/publications/interoperability>

## 2.1. General Provisions

### Question 1: Do you agree with ENTSOG's proposal for General Provisions?

11	YES
11	<p>YES, with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; Need for more transparency and consultation/involvement Stakeholders (development Interconnection Agreement, cost allocation, ...)</li> <li>&gt; Cooperation with Third Countries to be included in Network Code</li> <li>&gt; Include other Infrastructure Operators (LSO + SSO) in Network Code</li> <li>&gt; Publication of information has to be free of charge</li> </ul>
10	<p>NO,</p> <ul style="list-style-type: none"> <li>&gt; Scope Data Exchange too broad; Data Exchange has to focus on TSO-TSO and TSO-NU communication for cross-border processes</li> </ul>

**Conclusions:**

- > Stakeholder involvement strengthened in refined NC (see parts Interconnection Agreement, Gas Quality, Odourization and Data Exchange)
- > Cooperation Third Countries included in scope Network Code
- > Network Code should avoid repetition with existing Regulations:
  - The role of other Infrastructure Operators is already mentioned in Article 15 of the Regulation 715
  - Definitions already mentioned in Reg. 715 and/or other Network Codes to be deleted from this Network Code
- > Publication of information is free of charge (already mentioned in Regulation 715 Annex 1)
- > Refined scope Data Exchange TSO-TSO + TSO-NU will be included in the Data Exchange part

## 2.2. Dispute Resolution

### Question 2: Do you agree with ENTSOG's proposal for Dispute Resolution?

15	YES
5	<p>YES, with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; Request for clarification on the timeframe for the overarching procedure</li> <li>&gt; Need for a deadline for TSOs to endeavour to settle the dispute to be referred to the competent bodies under the overarching procedure and the role of ACER as decision-maker</li> </ul>
3	<p>NO</p> <ul style="list-style-type: none"> <li>&gt; Request for clarification on ACER's role</li> </ul>

#### Conclusions:

- > Stakeholders mostly support the process described and mostly understand the rationale behind foreseeing two provisions tackling the issue of dispute resolution. As to the overarching procedure, legal provisions to refer to clearly indicated by INT FG (Art. 41(11) Gas Directive and Art. 8 Agency Regulation); obligation for NCs developed by ENTSOG to be in line with FG issued by ACER, in accordance with Regulation (EC) No. 715/2009
- > Overarching procedure is not a never-ending process (specific timeframe in applicable EU legislation)
- > ACER decides in case the NRAs (*'acting as dispute settlement authorities'*) do not reach an agreement or in case NRAs jointly request so. Such decision can be appealed by NRAs and TSOs before ACER's Board of Appeals and the decision from the latter can be contested before Court of First Instance or Court of Justice

#### NC refinement:

- > for the overarching procedure, clearer definition of a maximum period for TSOs to endeavour to settle the dispute; for IAs' dispute settlement procedure, clarification that the default rule shall apply in the first 12-month period from the entry into force of NC (such as for all default rules)

- > for the overarching procedure: no need to repeat details of the procedures (including deadlines) set forth in Art. 41(11) Gas Directive (2009/73/EC) and Art. 8 Agency Regulation (EC No 713/2009)

### 2.3. Final Provisions

#### Question 3: Do you agree with ENTSG's proposal for Final Provisions?

10	YES
12	YES, with minor refinements: <ul style="list-style-type: none"> <li>&gt; Strong request for flexible implementation period for Data Exchange Solution for counterparties</li> </ul>
6	NO, <ul style="list-style-type: none"> <li>&gt; Strong request for flexible implementation period for Data Exchange Solution for counterparties</li> <li>&gt; Odourisation is Member States (MS) responsibility (safety issue)</li> </ul>

#### Conclusions:

- > Implementation Data Exchange Solution: TSOs will have an implementation period of 12 months after entry into force of the NC to offer the common Data Exchange Solution, counterparties will have a more flexible implementation period (see Data Exchange part)
- > Odourisation: NC defines TSO-TSO cooperation process to solve identified barriers for cross-border trade; potential changes of odourisation practices are a clear MS involvement (see Odourisation part)

## 2.4. Interconnection Agreements

### Question 4: Do you agree with the proposed 7 identified issues for mandatory terms in an IA?

13	YES
7	<p>YES, with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; Capacity calculation should be in as well</li> <li>&gt; A liability clause should also be included</li> <li>&gt; Maintenance planning should also be in</li> <li>&gt; It is not clear whether the term “Allocation” will be applied for ante or post flow quantities</li> </ul>
0	NO

#### Conclusions:

- > In line with the Framework Guidelines, no additional mandatory term will be included, but it is stated in the NC that TSOs can agree to put in more terms which is up to the involved TSOs. Capacity calculation already covered by NC CAM.
- > The application of ante or post flow quantities in the allocation process depends on the methods to be applied (e.g. in case an OBA is in place the quantities to be allocated are the same as the confirmed quantities, in case of pro rata the measured and validated quantities will be allocated)

**Question 5:** Do you agree with the proposed 3 identified issues where network users have to be informed and to gather their feedback within a timeframe between one and three months in case of changes?

10	YES
5	YES, with minor refinements: <ul style="list-style-type: none"> <li>&gt; The list is not exhaustive</li> <li>&gt; “Exceptional Event” should be “Unplanned Event”</li> </ul>
4	NO, <ul style="list-style-type: none"> <li>&gt; The list should be without limitation</li> <li>&gt; The timeframe of a minimum of one month for gathering feedback is too short</li> </ul>

**Conclusions:**

- > The refined NC will be without limitation to the three items. NUs will be informed whenever they are affected
- > The timeframe for gathering feedback will be extended to a minimum period of 2 months in line with what is used for public consultations carried out by ENTSOG for the development of NCs. Furthermore it has to be mentioned that this period is only for gathering information and giving comments and not for implementing purposes
- > “Exceptional Events” is already a defined term in the Framework Guidelines



Question 6: Do you agree with ENTSOG's proposal for the development and alignment of IAs?

10	YES
9	<p>YES, with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; The process for the development and alignment is not clear enough</li> <li>&gt; NUs shouldn't be affected</li> <li>&gt; Apply automatically the default rules</li> <li>&gt; The default rules are difficult to spot</li> <li>&gt; NUs have to be informed when directly affected</li> <li>&gt; Allow for enough time for the implementation of rules in case of changes</li> </ul>
0	NO

**Conclusions:**

- > Clarification of the development and alignment process
- > Make the default rules easier to spot
- > Clearly state the obligation for TSOs to inform the NUs in a timely manner in case NUs are affected

**Question 7: Do you consider that the above proposals meet an appropriate degree of transparency for modification of IAs?**

9	YES
9	<p>YES, with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; Define a timeframe for the modification process</li> <li>&gt; Define a default rule for the timeline of the modification process</li> <li>&gt; NUs have to be informed when directly affected</li> <li>&gt; Allow for enough time for the implementation of rules in case of changes</li> </ul>
2	<p>NO,</p> <ul style="list-style-type: none"> <li>&gt; Because NUs should be directly involved in the modification process</li> </ul>

**Conclusions:**

- > The timeframe of the modification process shall be agreed between the contracting parties
- > As a default rule a timeframe of twelve month for the modification process is foreseen
- > Clearly state the obligation for TSOs to inform the NUs in a timely manner in case they are affected
- > NUs do not have to be directly involved in the modification process as the IA is a bilateral contract between TSOs. But whenever NUs are affected they will be informed

**Question 8: Do you consider that ENTSOG proposal for rules concerning flow control is exhaustive?**

13	YES
7	<p>YES, with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; An extra sentence should be included to reinforce the obligation for TSOs to reduce the deviation from the confirmed quantities to the minimum extent possible in case no OBA is in place</li> <li>&gt; Make the text more stringent where possible</li> <li>&gt; Insert an item to make reference to the handling of gas quality differences at IPs</li> <li>&gt; Which party is responsible for flow control is not clear</li> </ul>
0	NO

**Conclusions:**

- > Reinforcement of the obligation for TSOs to reduce the deviation from the confirmed quantities to the minimum extent possible in case no OBA is in place doesn't have to be included as Article 6 paragraph 1 (b) covers already this request
- > Make text more stringent
- > New sub-paragraph to deal with quality variations at IPs
- > New default rule for flow control responsibility

**Question 9: Do you agree with the above proposals for measurement principles that should apply at an IP?**

12	YES
7	<p>YES, with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; Procedures to manage a situation where the measurement equipment is found to be in error within and after the close-out period have to be included</li> <li>&gt; A clear allocation of responsibility for correctness and liability of the measured parameters is missing</li> <li>&gt; A rule to clarify what measurement principle shall apply in case TSOs can't agree on certain principles have to be included</li> </ul>
3	<p>NO,</p> <ul style="list-style-type: none"> <li>&gt; A clear allocation of responsibility for correctness and liability of the measured parameters is missing</li> <li>&gt; EN 1776 should be the standard mandatory rule to be applied for measurement principle</li> </ul>

**Conclusions:**

- > Procedures to manage a situation where the measurement equipment is found to be in error or have been in error have to be defined anyway independent from a close-out period
- > New default rule concerning responsibility for correctness and liability of the measured parameters
- > EN 1776 is introduced as a default rule in case TSOs can't agree on measurement principles
- > Reference to EN 1776 as mandatory rule is not supported by most Stakeholders (see Question 10)

**Question 10: Do you agree that transmission system operators should be obliged to use the EN1776 standard as a default rule for energy measurement standard at an IP?**

12	YES
4	<p>YES, with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; EN 1776 should be used for a certain transition period only</li> <li>&gt; Provide a rule that existing parts not addressed by EN 1776 can be further used</li> </ul>
2	<p>NO,</p> <ul style="list-style-type: none"> <li>&gt; EN 1776 should not only be the default rule but should be the only possible one</li> <li>&gt; EN 1776 can't be the only one</li> </ul>

**Conclusions:**

- > Reference to EN 1776 as mandatory rule is not supported by most Stakeholders; EN 1776 will be the default rule.

**Question 11: Do you believe that the “lesser rule” fulfils the Framework Guidelines’ requirement to eliminate or otherwise reasonably resolve, at least costs for transmission system operators and network users, mismatches at IPs?**

13	YES
7	<p>YES, with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; There is a potential risk that the lesser rule could be in conflict to the application of CMP Guidelines (Short Term UIOLI principle)</li> <li>&gt; The lesser rule should be the exclusive rule</li> <li>&gt; If the lesser rule is not applied as a mandatory term, NUs have to be informed in advance to give their comment</li> </ul>
0	NO

**Conclusions:**

- > Interaction between CMP Guidelines (Short Term UIOLI) and the lesser rule will be investigated in the CMP implementation.
- > The lesser rule can’t be the only applicable rule in the matching process as the above stated issue may require more than only the lesser rule
- > NUs will be informed and invited to give their comments in case lesser rule is not applied

**Question 12: Is there any other information, in addition to the matching rule, that should be made available to network users?**

0	YES
9	<p>YES, with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; The lead-time should be reduced to 1,5 h</li> <li>&gt; Matching of bundled products not needed only alignment of quantities in case of timely limited capacity or data communication mistakes</li> <li>&gt; A prior notice should be issued in case of a mismatch</li> </ul>
9	NO

**Conclusions:**

- > The lead-time is defined in NC BAL (2h)
- > Matching of bundled products is indeed not necessary
- > A prior notice to be issued in case of a mismatch is not necessary as such a notice cannot be issued before the confirmed quantities are calculated. After the calculation of the confirmed quantities a confirmation message will be issued (see NC BAL).

**Question 13: Do you agree with the proposed default allocation rule (OBA)? Which reasons do you see for having another allocation rule as the default allocation rule (OBA)?**

9	YES
13	<p>YES, with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; Only Balancing NU should be allowed in addition</li> <li>&gt; Other allocation rules have to be justified on a case by case basis</li> <li>&gt; There should be an extra provision that NUs are not taken responsible for any discrepancies recorded in the OBA</li> <li>&gt; OBA should be the only possible allocation rule</li> </ul>
0	NO

**Conclusions:**

- > In case no OBA is in place NUs shall be informed and are invited to give their comments
- > It is clearly stated that whenever an OBA is in place NUs will be allocated as nominated taking the result of the matching process into account



**Question 14: Do you agree with ENTSOG's proposal for stakeholder consultation concerning non-OBA allocation rule options?**

7	YES
10	<p>YES, with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; Only Balancing NU should be allowed additionally</li> <li>&gt; OBA should be the only possible allocation rule</li> <li>&gt; For existing and new IPs a non-OBA allocation method is only allowed if NUs are informed in advance and can give their comments</li> <li>&gt; NRAs should be involved in the justification process</li> </ul>
4	<p>NO,</p> <ul style="list-style-type: none"> <li>&gt; Pro-rata rule should be no option</li> <li>&gt; Other allocation rules have to be justified on a case by case basis</li> </ul>

**Conclusions:**

- > Alignment of the process for existing and new IPs
- > In case no OBA is in place NUs shall be informed and are invited to give their comments
- > NRAs are so far not directly involved but can always be involved through the relevant stakeholders in case they see the necessity to do so

Question 15: Do you agree with ENTSG's proposal for exceptional events?

12	YES
8	<p>YES, with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; The whole article should be declared as default rule</li> <li>&gt; The interactions with REMIT obligation from a legal point of view have to be checked</li> <li>&gt; The whole market has to be informed</li> <li>&gt; Specific publication requirements like "maximum delay" should be compulsory</li> <li>&gt; Consider potential liabilities</li> <li>&gt; Better clarify the definition of an exceptional event</li> </ul>
0	NO

**Conclusions:**

- > REMIT obligations are independent from the procedures as described in the NC
- > According to REMIT obligations TSOs are obliged to publish any material capacity reduction near real time. By doing so the whole market is informed
- > A maximum delay clause is not possible as the delay is dependent on the outcome of the exceptional event itself and therefore cannot be predicted
- > Potential liabilities are laid down in national rules in case of an exceptional event and also in

the bilateral contracts between TSOs and their relevant NUs. They do not affect interoperability

> Exceptional event is already defined in the Framework Guidelines

Question 16: Do you agree with the principle that disputes arising out of an existing IA could be settled by an independent expert where transmission system operators are unable to resolve between themselves?

12	YES
3	YES, with minor refinements: > Need to keep the obligation for TSOs to go to court
2	NO, > Need to involve NRAs instead of the experts disputes connected to IAs: NRAs already involved upon signature, amendment and whenever they request so. Court always involved also in case conflict of law rules apply.

**Conclusions:**

- > Stakeholders mostly support the process as described in the NC with the possibility for TSOs to decide to resort to experts (ICC, arbitration etc.) as bodies with specific technical expertise
- > No need for NC refinement:
  - Conflict of law rules (international private law) do not prevent at all TSOs from the obligation to go to court. It rather says which the competent court is in case a) the contractual procedure is not correctly performed, b) no agreement is reached between TSOs in 12 months
  - For disputes arising out of or in connection with IAs, NRAs already fully involved where relevant: i.e. upon signature of new IAs as well as of IAs' amendment and, in any case, at any time upon their request

**Question 17: Do you believe that national regulatory authority should be involved in the resolution of such disputes? If so to what extent?**

16	YES
1	YES, with minor refinements > NRAs should be involved, but, even where involved the ultimate settlement should be through courts;
4	NO, > NRAs should not settle the dispute but rather be involved in case of financial consequences impacting on tariff.

**Conclusions:**

- > No text refinements necessary
  - For disputes arising out of or in connection with IAs:
    - Full involvement of NRAs where applicable (i.e. signature, amendment, upon request)
    - Experts and courts involved in order to settle the dispute (as agreed by TSOs in IA)
  - NRAs involved in cost recovery mechanism having regard to obligations deriving from NC:
    - In case of disputes arising out of or in connection with IAs, different issue are damages that one party has to pay to the other as a result of its contractual breach

## 2.5. Units

Question 18: Do you agree with the list of items for which common units are proposed?  
(pressure, temperature, etc.)

20	YES
2	<p>YES, with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; Delete “default” and “0 degree C for density” in article 13;</li> <li>&gt; Only if the Article about the use of additional units stays in place.</li> </ul>
1	<p>NO,</p> <ul style="list-style-type: none"> <li>&gt; Methane Number should be also included and maybe other important parameters as well.</li> </ul>

### **Conclusions:**

- > “default” and “0 degree C for density” in article 13 will be deleted
- > The Article about the use of additional units will stay in place
- > Additional parameters will not be included in line with the Framework Guideline. After discussion with all stakeholders only „temperature“ and „Wobbe“ will be added.

Question 19: Do you agree with the proposed common units for these items (bar, °C etc.)?

12	YES
8	<p>YES, with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; The suggested units are the most common ones and shall be binding</li> <li>&gt; Yes, provided that Article 14 stays in place</li> <li>&gt; ENTSOG should seek to ensure that the units correspond with the units in CEN</li> <li>&gt; Density can be captured without combustion</li> <li>&gt; Use the SMC standard</li> </ul>
3	<p>NO,</p> <ul style="list-style-type: none"> <li>&gt; The units and reference conditions should be the same as applied by CEN + ISO</li> <li>&gt; CEN is asking for 15/15 instead of 25/0 for combustion temperature used for Wobbe and calculation of volume</li> </ul>

**Conclusions:**

- > Density will be deleted
- > Article 14 will stay in place meaning that the use of units in addition to the common set of units is allowed
- > Proposed units are of widespread use and 25/0 for energy calculation is already a legal obligation (Regulation 715, Annex 1)

**Question 20: Do you agree with the proposed scope within which transmission system operators would be obliged to use common units?**

13	YES
5	<p>YES, with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; Using these units definitely facilitates gas trading</li> <li>&gt; Only provided that article 14 stays in place meaning that the use of other units in addition to the common set of units is allowed</li> </ul>
2	<p>NO,</p> <ul style="list-style-type: none"> <li>&gt; Article 14 should be deleted</li> <li>&gt; The use of other units shouldn't be allowed</li> </ul>

**Conclusions:**

- > Article 14 stays in place meaning that the use of other units in addition will be allowed (as already foreseen in Reg. (EC) 715/2009)

**Question 21: Will in your opinion the identified difference between the reference conditions for parameters used in CEN-standards and the reference conditions defined in ENTSG's proposal represent a barrier?**

6	<p><b>YES:</b></p> <ul style="list-style-type: none"> <li>&gt; Different reference conditions can create a barrier</li> <li>&gt; Different reference conditions can definitely lead to confusion and errors</li> <li>&gt; Use CEN units to express the Wobbe index range</li> <li>&gt; If not using the CEN units then at least common conversion tables shall be used</li> </ul>
16	<p><b>NO,</b></p> <ul style="list-style-type: none"> <li>&gt; When applying the correct reference conditions then there is no barrier</li> <li>&gt; ENTSG and CEN should coordinate to avoid uncertainty in the market</li> <li>&gt; A single set of reference conditions would be beneficial</li> <li>&gt; CEN approved units should be permitted in addition to the use of NC units</li> <li>&gt; Keep the conditions defined in ENTSG's proposal which are the same as defined in the EU Transparency Guidelines, which are already mandatory. Furthermore, these conditions are equal to the conditions considered in the CBP elaborated by EASEE-Gas</li> </ul>

**Conclusions:**

- > The majority of stakeholders don't see a barrier
- > Reference to conversion factors included in the NC



## 2.6. Gas Quality

**Question 22: Do you agree with the proposed process and timeline for transmission system operators to handle possible physical flow barriers due to difference in gas quality specifications?**

14	<p>YES</p> <ul style="list-style-type: none"> <li>&gt; Include the commercial measures in the possible solutions</li> </ul>
11	<p>YES, with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; Define responsibilities</li> <li>&gt; Avoid unnecessary costs</li> <li>&gt; All stakeholders should be involved in the process, i.e. in triggering the process</li> <li>&gt; Reference to CEN gas quality standard should be included</li> <li>&gt; Gas quality at the IPs shall be addressed during the process of signing Interconnection Agreements</li> </ul>
1	<p>NO,</p> <ul style="list-style-type: none"> <li>&gt; TSOs shall be responsible for delivering gas that meets end-users requirements</li> </ul>

### **Conclusions:**

- > ENTSG will list up the examples of the possible technical and commercial solutions that could be appropriate to address the barrier
- > TSOs are responsible for measurement and monitoring of gas quality, which is confirmed under the Interconnection Agreements section of the NC (Art. 7)
- > Any stakeholder can bring to the attention of the relevant NRA that there is a barrier to

cross-border trade due to differences in gas quality national specifications – new proposal will be included saying that NRAs will identify whether in their opinion there is a potential barrier hampering the cross border flow due to gas quality differences in national specifications

- > The Network Code cannot make reference to a yet to be developed CEN-standard on gas quality
- > Gas quality at the IPs will be addressed during the process of signing Interconnection Agreements

**Question 23: Do you agree with the proposed way of early involvement of national regulatory authorities in the process?**

24	YES
3	YES, with minor refinements
0	NO

**Conclusions:**

- > ENTSG acknowledges that changing national gas quality specifications is a Member State responsibility. Therefore taking into account stakeholders' responses, it was concluded that NRAs should be the responsible parties to identify if there is a potential barrier to cross border trade due to gas quality differences in national gas quality specifications
- > Member States will be involved in the process for information purposes

**Question 24: Do you agree with the proposal of Regulation to define minimum list of requirements for short term monitoring (STM) at EU level and shift the selection process of eligible users at the national level?**

6	YES
17	<p>YES, but with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; avoid unnecessary costs in case of countries with rather stable gas quality and by involving NRAs</li> <li>&gt; delete indicative basis – especially in case of data publication on IPs</li> <li>&gt; publish minimum list of parameters including GCV, WI, emission factor</li> <li>&gt; process shall be user led</li> <li>&gt; DSOs liabilities shall be defined as an information receiver without any further liabilities</li> <li>&gt; STM is useful, but it's not a comprehensive solution itself</li> <li>&gt; list of eligible parties shall be published</li> <li>&gt; STM shall be defined as a subscriber service paid by user</li> </ul>

5	<p>NO</p> <ul style="list-style-type: none"> <li>&gt; delete indicative basis – especially in case of data publication on lps</li> <li>&gt; STM data shall be published</li> <li>&gt; DSOs liabilities shall be defined as an information receiver without any further liabilities</li> </ul>
<p><b>Conclusions:</b></p> <ul style="list-style-type: none"> <li>&gt; ENTSG received wide support from stakeholders to shift the selection process of eligible users at the national level.</li> <li>&gt; ENTSG believes that shifting the process to the national level will avoid unnecessary costs, and ensure that only information required, its method of provision, frequency etc. can be tailored to the needs of specific end-users</li> <li>&gt; The phrase “indicative basis” will be deleted. Nevertheless, in the provision for gas quality variation information exchange, it will be the TSO’s best estimate at point in time because this dedicated information may vary and is provided by using the existing equipment as well as dispatcher’s knowledge.</li> <li>&gt; The minimum list of parameters is defined at national level by taking into account the outcome of the cooperation process between the relevant TSO and eligible parties. Furthermore there is no requirement to publish these data under Framework Guidelines.</li> <li>&gt; Defining DSOs liabilities is out of scope of the Network Code</li> <li>&gt; List of eligible parties that will receive gas quality variations information shall not be published as it may be confidential</li> </ul>	

**Question 25: Would you find it useful to have access to real time information on WI and GCV on IPs?**

18	YES
10	<p>YES, but with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; Network users shall receive data automatically in standardized format</li> <li>&gt; Accessible only to interested parties</li> <li>&gt; Subject to CBA</li> <li>&gt; Other parameters to be published i.e. sulphur content</li> <li>&gt; Once the gas is in the network TSOs shall manage gas quality differences</li> </ul>
1	<p>No</p> <ul style="list-style-type: none"> <li>&gt; Costs exceeds benefits</li> </ul>

**Conclusions:**

- > Stakeholders expressed their views that this information can be useful for the end customers located in countries with rather stable gas quality
- > Stakeholders indicated that WI and GCV are the most important parameters, but also requested TSOs to publish additional parameters, which may be further requested individually to the TSO through the provisions set up in Article 19
- > ENTSG believes that publishing gas quality information at least once per hour at all IPs enhances transparency for the whole internal market

**Question 26: Do you agree with the proposal of defining a stand-alone gas quality outlook, based on flow pattern scenario used by ENTSOG in TYNDP-process?**

21	YES
3	<p>YES, but with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; Long Term monitoring shall be based on the operational ranges</li> <li>&gt; Producers shall be obliged to provide data to ENTSOG for the purpose of Long Term Monitoring (LTM)</li> </ul>
3	<p>NO</p> <ul style="list-style-type: none"> <li>&gt; It's impossible to predict the upcoming new supplies, especially due to the liquidity of LNG supplies</li> <li>&gt; ENTSOG does not have access to the data owned by the producers</li> </ul>

**Conclusions:**

- > Stakeholders appreciated the idea of the Outlook, as it can help network users to foresee problems related to gas quality in the future as well as helping manufacturers to produce products suitable for the demand
- > The Network Code cannot put any obligation on the producers to provide reliable data for the LTM Outlook purposes
- > ENTSOG will prepare the Outlook in line with the process and timing of the Union wide Ten Year Network Development Plan

**Question 27: Do you agree that the report should focus on Wobbe index changes?**

14	<p>YES</p> <ul style="list-style-type: none"> <li>&gt; Outlook shall include GCV as well</li> </ul>
5	<p>YES, but with minor refinements</p> <ul style="list-style-type: none"> <li>&gt; Outlook shall include GCV as well</li> <li>&gt; Outlook shall describe other parameters (i.e. sulphur content, emission factor)</li> </ul>
4	<p>NO</p> <ul style="list-style-type: none"> <li>&gt; Outlook shall include emission factor or full list of parameters, Methane Number</li> <li>&gt; Outlook shall be based on the operational ranges</li> <li>&gt; ENTSOG does not have reliable data owned by producers in order to produce reliable Outlook</li> </ul>

**Conclusions:**

- > Stakeholders expressed their support for the Outlook being focused on WI and requested other parameters to be included, with majority of stakeholders request addition of GCV: ENTSOG will include GCV in the outlook

**Question 28: Do you find it useful to produce a long term gas quality outlook?**

24	<p>YES</p> <ul style="list-style-type: none"> <li>&gt; Outlook will be an useful tool for manufacturers in order to develop products which are well-suited for the demands of the future, and can be of a great value for customers to identify upcoming problems</li> </ul>
1	<p>YES, but with minor refinements</p> <ul style="list-style-type: none"> <li>&gt; It's not completely clear what ENTSG means by the TYNDP scenarios and if they reflect the needs of this report</li> </ul>
3	<p>NO</p> <ul style="list-style-type: none"> <li>&gt; 10 year period for the forecast of the future supplies is ambitious and not realistic</li> <li>&gt; ENTSG does not have reliable data owned by producers in order to produce reliable Outlook</li> </ul>

**Conclusions:**

- > Majority of the stakeholders found it substantially useful to produce LTM outlook. Stakeholders indicated that the report shall be in line with the national/regional plans, however recognized the challenges that it can face in gaining access to the relevant data.
- > ENTSG will prepare the outlook in line with the process and timing of the Union wide Ten Year Network Development Plan



## 2.7. Odourisation

Question 29: Do you agree with ENTSGs' proposal that if cross-border flows are hampered by differences in odourisation practices between adjacent systems and transmission system operators cannot reach a bilateral agreement they should shift towards flow of non-odourised gas?

6	<p>YES</p> <ul style="list-style-type: none"> <li>&gt; Sulphur has detrimental effects on the industrial customers. Member States shall have an opportunity to choose the preferred odourant. THT is no naturally present in the gas – so the polluters pay principle shall be applicable</li> <li>&gt; Different odourisation practices may compromise a barrier to trade</li> </ul>
10	<p>YES, but with minor refinements</p> <ul style="list-style-type: none"> <li>&gt; The most cost efficient option shall be chosen after CBA and public consultation</li> <li>&gt; Find other solutions such as: allowance of odourised flow in non-odourised network or direct pipeline</li> <li>&gt; It's impossible to remove the odourant completely from gas in the reasonable timeframe</li> <li>&gt; Odourisation may create a barrier and shall be resolved within 6 months</li> </ul>

10	<p>NO</p> <ul style="list-style-type: none"> <li>&gt; NC shall encourage to choose the most cost efficient option – after CBA and public consultation</li> <li>&gt; Flow of non-odourised gas shall be only one of the possible options</li> <li>&gt; Sulphur based odourant shall be treated as sulphur</li> <li>&gt; Odourisation is Member States' responsibility</li> <li>&gt; Complete shift towards flow of non-odourised gas might be impossible due to accumulation in storage facilities</li> <li>&gt; Flow of non-odourised gas is only possible in theory as H<sub>2</sub>S and mercaptans naturally occur in the gas</li> <li>&gt; Moving odourisation downstream will impose impacts for DSOs</li> <li>&gt; Odourant may hamper future emission targets – proposal of usage sulphur free odourant</li> </ul>
<b>Conclusions:</b>	
<ul style="list-style-type: none"> <li>&gt; ENTSG received conflicting opinions on non-odourised gas as a default rule if the default rule shall be defined as a flow of non-odourised gas: <ul style="list-style-type: none"> <li>▪ Some stakeholders identified that sulphur based odourant may hamper industrial customers operations and future emissions targets, so they fully support shift towards the flow of non-odourised gas</li> <li>▪ Some stakeholders identified that the flow of non-odourised gas should be only one of the possible option as: <ul style="list-style-type: none"> <li>○ Sulphur cannot be completely removed from the gas due to accumulation in storage</li> <li>○ Sulphur based odourant shall be treated as total sulphur</li> <li>○ Flow of non-odourised gas is only possible in theory as H<sub>2</sub>S and mercaptans naturally occur in the gas</li> </ul> </li> </ul> </li> <li>&gt; Stakeholders considered that the solution should be chosen only after a CBA and public consultations</li> <li>&gt; Some stakeholders identified that Odourisation is a Members State safety policy responsibility</li> <li>&gt; Considering stakeholders arguments as well as Member State concerns about defining responsibilities in case of deciding on national odourisation practices and having in mind provisions set up in the Framework Guidelines, the NC will: <ul style="list-style-type: none"> <li>▪ Define NRAs as the responsible parties to identify if there is any barrier hampering the cross border flow due to differences in odourisation practices</li> </ul> </li> </ul>	

- Put an obligation to the TSOs to:
  - Define solutions within 6 months after the NC comes into force, that will not change the national safety policy on odourisation practices (like maintaining the current odourisation practices, swapping, flow commitments) involving the responsible NRAs and inform relevant Member State authorities
  - Investigate all possible options (conversion or partly towards non-odourised gas, flow of odourised gas into the non-odourised network, definition of an acceptable level of odourant for the interconnected transmission networks) in case no adequate solutions can be defined in this 6-month period in cooperation with the relevant national authorities within a 12 month period by performing CBA and public consultation
  - Submit the proposed solution to the relevant national authorities for approval

**Question 30: Do you think that ENTSGs' proposal encourage transmission system operators at each interconnection point to reach an agreement to address effectively barriers resulting from differences in odourisation practices?**

6	<p>YES</p>
8	<p>YES, but with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; Timeframe for the implementation of the solution shall be defined</li> <li>&gt; Sulphur acts as a catalytic poison for i.e. chemical feedstock, so stakeholders shall be consulted in case of changing the solution</li> <li>&gt; NC shall encourage to use the most cost efficient option</li> <li>&gt; Defining default solution creates a possibility for TSOs not to actively cooperate or to assess the barrier</li> <li>&gt; The concept of acceptable level of odourant shall be introduced</li> <li>&gt; Other indirect solutions shall be included in the NC</li> </ul>
7	<p>NO</p> <ul style="list-style-type: none"> <li>&gt; Defining default solution creates a possibility for TSOs not to actively cooperate or to assess the barrier</li> <li>&gt; Defining odourisation practices is Member States' responsibility</li> <li>&gt; TSOs are not the only party that is affected by the changing of odourisation practices</li> <li>&gt; The concept of acceptable level of odourant shall be introduced</li> <li>&gt; NC is not in line with the Framework Guidelines and the text proposal is too soft</li> <li>&gt; De-odourisation shall not increase the tariffs for shippers</li> <li>&gt; Timeframe for the implementation of the solution shall be defined</li> </ul>

**Conclusions:**

- > Introduction of a timeframe for implementation of the solution
- > Stakeholders will be included in the process through public consultations
- > The most cost efficient option will be selected through CBA
- > All the possible options will be assessed and national authorities will be involved;
- > Changing odourisation practices is a Members State's responsibility. The NC defines the process facilitating assessment of cost effective solutions to solve the potential barriers. Proposals will be submitted to the relevant national authorities for approval.

## 2.8. Data Exchange

### Question 31: Do you agree with the proposed rules for data exchange in the Regulation?

9	<p>YES</p> <ul style="list-style-type: none"> <li>&gt; Strong support for Edig@s</li> </ul>
10	<p>YES, with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; Involvement of Member States in the implementation schedule required</li> <li>&gt; Existing DE solutions should be used in parallel to the common solution</li> <li>&gt; Guidelines required (CNOT)</li> </ul>
14	<p>NO</p> <ul style="list-style-type: none"> <li>&gt; DE rules go beyond IPs</li> <li>&gt; DE rules should only apply to TSOs and NUs at IPs</li> <li>&gt; National DE rules shall stay with approval of NRA</li> <li>&gt; Stakeholder involvement in the development process</li> <li>&gt; All TSOs have to offer the same DE type for the same business process</li> </ul>

**Conclusions:**

- > EDIG@S-XML is generally supported as data format for document based and integrated data exchange types
- > Existing compatible solutions can still be used with NRA approval
- > Restrict counterparties for data exchange to TSO-TSO and TSO-NU communication at IPs
- > Development of Common Network Operation Tools that consist of Guidelines based on a transparent process with adequate stakeholder involvement.

**Question 32: Do you agree with the approach of the Initial assessment to define the data exchange solution?**

9	YES
13	<p>YES, with minor refinements:</p> <ul style="list-style-type: none"> <li>&gt; Edig@s format appreciated/recommended</li> <li>&gt; AS4 does not support all data formats?/AS2 proven technology</li> <li>&gt; Any standard has to be subject to public consultation</li> <li>&gt; CBA should consider implementation in line with IT investment of CP</li> <li>&gt; AS4 configuration settings need to be defined</li> </ul>
6	<p>NO</p> <ul style="list-style-type: none"> <li>&gt; DSOs have concerns on the scope</li> <li>&gt; Some AS4 functionalities are questioned (need for pull?)</li> </ul>

**Conclusions:**

- > EDIG@S-XML is generally supported as data format for document based and integrated data exchange types
- > AS4 supports all types of data formats as “payload” (as well as AS2)
- > ENTSG shall take the lead to define the AS4 parameters for gas with stakeholder involvement
- > Existing compatible solutions can still be used with NRA approval

### 3. **ENTSOG conclusions from consultation**

ENTSOG received general support from the stakeholders on the draft Network Code on Interoperability and Data Exchange Rules.

A high level of alignment with the Framework Guidelines was identified.

Taking into account Stakeholders' feedback from the Public Consultation and the outcome of the Consultation Workshop and Conclusions Workshop, ENTSOG proposes following main refinements to the draft Network Code:

- > Strengthen the involvement of stakeholders in the different Chapters of the NC
- > Make the default rules in the Interconnection Agreement part easier to spot and more detailed
- > Put the responsibility for the identification process for barriers for cross-border trade due to differences in national gas quality specifications or differences in odourisation practices to the NRAs
- > Proceed with shifting of the selection process for eligible parties to potentially receive gas quality variations information exchange to the national level.
- > Include the outcome of the CBA for the selection of the data exchange solution taking into account stakeholders' feedback from the Public Consultation draft CBA
- > Clarify the counterparties for implementation of the data exchange solution taking into account the outcome of the CBA with focus on Networks Users for cross-border activities
- > Allow a flexible implementation period to counterparties for implementation of the data exchange solution by maintaining existing solutions with NRA approval.

The refined Network Code will be submitted to the Stakeholder Support Process (9-> 23 July 2013).



## Annex 1

1	Thuega AG
2	Eurelectric
3	European Federation of Energy Traders (EFET)
4	Gas Infrastructure Europe
5	EUROMOT
6	DIN NAGas
7	Energy Community for South East Europe
8	EDP Group - EDP Gás and Naturgas Energía Comercializadora
9	BDEW German Association of Energy and Water Industries
10	Cefic
11	enercity Netzgesellschaft mbH
12	Association of local enterprises Austria (VKÖ)
13	LINZ GAS Netz GmbH
14	GEODE
15	International Association of Oil & Gas Producers (OGP)
16	DEPA S.A.
17	IFIEC Europe
18	CEDEC
19	WIEN ENERGIE Gasnetz GmbH
20	ExxonMobil International Limited
21	Gas Natural Fenosa
22	RWE Supply & Trading GmbH
23	MARCOGAZ
24	EnBW Energie Baden-Württemberg AG
25	EDF
26	Synergrid
27	eni
28	GDF SUEZ
29	EUROGAS
30	VNG - Verbundnetz Gas AG
31	Statoil
32	Edison SpA
33	VKU
34	SPANISH GAS ASSOCIATION - DISTRIBUTION
35	energy solutions
36	AFG
37	E.ON SE

