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**OPINION OF THE AGENCY FOR THE COOPERATION OF ENERGY  
REGULATORS No 18/2014**

**of 20 November 2014**

**ON ENTSOG's 2015 ANNUAL WORK PROGRAMME**

THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS,

HAVING REGARD to Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators<sup>1</sup> (hereinafter referred to as “the Agency”), and, in particular, Article 6(3)(b) thereof,

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<sup>2</sup>, and, in particular, Article 9(2) thereof,

HAVING REGARD to the favourable opinion of the Board of Regulators of 18 November 2014, delivered pursuant to Article 15(1) of Regulation (EC) No 713/2009,

WHEREAS:

- (1) The European Network of Transmission System Operators for Gas (hereinafter referred to as “ENTSOG”) submitted on 22 September 2014 the final draft Annual Work Programme 2015 and the information regarding the consultation process, by email to the Agency for its opinion.
- (2) Pursuant to Article 6(3)(b) of Regulation (EC) No 713/2009 and Article 9(2) of Regulation (EC) No 715/2009, the draft annual work programme has to be evaluated by the Agency taking into account the objectives of non-discrimination, effective competition and the efficient functioning of the market,

HAS ADOPTED the present Opinion on ENTSOG's final draft Annual Work Programme 2015, with the following main findings, recommendations, comments and guidance:

**1. MAIN FINDINGS**

- a. The final draft Annual Work Programme 2015 of ENTSOG is consistent with ENTSOG's tasks as described in Article 8 of Regulation (EC) No 715/2009 and the Commission decision of 13 October 2014 on the establishment of the annual priority lists for the development of network codes and guidelines for 2015 (2014/713/EU)<sup>3</sup>.

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<sup>1</sup>OJ L 211, 14.8.2009, p. 1.

<sup>2</sup> OJ L 211, 14.8.2009, p.36.

<sup>3</sup> OJ L 296, 14.10.2014, p. 28.

The Agency believes that the final draft Annual Work Programme 2015 meets the objectives of Regulation (EC) No 713/2009 and Regulation (EC) No 715/2009 in terms of contributing to non-discrimination, effective competition and the efficient and secure functioning of the internal natural gas market.

- b. ENTSOG conducted a stakeholder consultation, pursuant to Article 10 of Regulation (EC) No 715/2009 as transposed by Articles 26(2) and 27(3) of ENTSOG's Rules of Procedure. Feedback received via the consultation process has been taken into consideration for the preparation of the final draft Annual Work Programme 2015. ENTSOG has also taken into consideration the Agency's Opinion<sup>4</sup> on the ENTSOG Annual Work Programme 2014.
- c. The Agency notes that ENTSOG continues its effort to involve in its activities transmission system operators (TSOs) from third countries with the status of observer, as well as to adjust its processes and procedures, including ENTSOG's Articles of Association and Rules of Procedure, to ENTSOG's long-term objectives.
- d. ENTSOG's final draft Annual Work Programme 2015 includes several continuing, support, implementation, monitoring, and follow-up activities in the areas of network code, system development and TSO coordination. It also takes into account the need for activities allowing the anticipation of future tasks. The final draft Annual Work Programme 2015 includes an indicative calendar of all planned main and accompanying activities in 2015. Where necessary, it also includes 2014 and 2016 scheduling details.
- e. The final draft Annual Work Programme 2015 contains the necessary readjustment of the focus of activities as compared to previous Work Programmes, in view of the greater attention to tasks related to the implementation and monitoring of network codes, transparency, and more immediate contributions to the pillars of the European Energy Policy such as competition, sustainability and security of supply.

## 2. RECOMMENDATIONS, COMMENTS AND GUIDANCE

- a. The Agency finds ENTSOG's 2015 primary objectives and areas of work, namely ENTSOG's internal processes and procedures, the Third Package code development process, and the specific ENTSOG projects, consistent with the overall priorities in pursuit of the efficient and secure functioning of the internal gas market. However, the Agency would welcome a clearer distinction between the tasks by work areas, activities and deliverables, more specifically indicating those which are of critical importance for gas market integration, competition, sustainability, and security of supply in the concrete context of 2015.

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<sup>4</sup> Opinion of the Agency for the Cooperation of Energy Regulators No 23/2013 of 29 November 2013 on ENTSOG's 2014 Annual Work Programme.

- b. The Agency recommends to ENTSOG to consider specifying activities in greater detail, to the extent necessary for enabling the tracking of yearly progress and of the steps in the annual work plans on a comparative basis.
- c. The Agency stresses the importance of tasks deriving from Regulation (EU) No 347/2013<sup>5</sup> and the need to provide a seamless interface between various work areas within ENTSOG and between ENTSOG and those who have a significant stake in the various work areas.
- d. The Agency appreciates ENTSOG's desire to cooperate and coordinate with the Agency in order to streamline processes, and expects that the provisions of Article 8(9) of Regulation (EC) No 715/2009<sup>6</sup> will be fully taken into consideration by ENTSOG.
- e. The Agency welcomes ENTSOG's work plan regarding network code development and updates, including contributions, where appropriate, to the Comitology Procedure, as well as the increased work focus on network code implementation and monitoring. The Agency emphasises the importance of assessing the effects of both implementation and non-implementation of network codes and guidelines on the harmonisation of applicable rules and the facilitation of market integration. The Agency expects that ENTSOG will report its findings to the Agency and will include the results of the analysis in its next annual report.
- f. The Agency notes that ENTSOG plans to carry out two updates of the roadmap for the early implementation of the CAM NC (CAM Roadmap) in spring and autumn 2015. The timings of the specific updates of the CAM Roadmap for 2015 should be agreed with the Agency, since this is a joint project by ENTSOG and the Agency.
- g. The Agency encourages ENTSOG to continue working, together with affected stakeholders, on practical issues related to the implementation of cross-border bundled capacity.
- h. With respect to the implementation of Regulation (EU) No 347/2013, in particular the methodology for Cost-Benefit Analysis (CBA), the Agency encourages ENTSOG to conduct a transparent, comprehensive and interactive process, including the conduct of one or more pilot project CBA assessments with actual data for project(s) of common interest (PCI)<sup>7</sup> as early as possible. The Agency believes the technical support and assistance of ENTSOG for the CBA analysis in the context of the second round of PCI selection is of a key importance, since CBA will be one of the cornerstones for PCI selection within the Regional Groups. ENTSOG should devote the resources necessary and organize workshops to facilitate this process. ENTSOG should also provide advice to interpret the results of the methodology, including guidance to the selection of the relevant scenarios to be considered by the

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<sup>5</sup> OJ L115, 25.4.2013, p.39.

<sup>6</sup> OJ L211, 14.8.2009, p.36.

<sup>7</sup> Project of common interest as defined by Regulation (EU) No 347/2013 of the European Parliament and of the Council of 17 April 2013, *cf.* footnote 5.

Regional Groups, and contribute as a stakeholder to the monitoring of the practical application of the CBA methodology in view of its possible improvement.

- i. The Agency appreciates ENTSOG's planned work on Winter and Summer Supply Outlooks, as well as the Summer and Winter Reviews, and invites the provision of the Outlooks and the reviews sufficiently ahead of the respective season, in order to allow for the necessary time for appropriate assessments and action by the users of the Outlooks and the Reviews.
- j. The Agency further recommends the inclusion in the Supply Outlooks of critically important aspects of actual gas supply, along with the equally important analyses related to the robustness of the gas supply infrastructure, as well as the use of a more detailed topology at a level where low remaining flexibility and scarcity of gas supply could be detected within regions and zones.
- k. The Agency invites ENTSOG to specifically highlight in the Supply Outlooks issues related to security of gas supply and measures which could improve the security of gas supply within the forthcoming season (short-term measures) in conjunction with possible longer term issues, as well as indicate, whenever possible and appropriate, which elements of the forthcoming TYNDP 2015-2024 could be particularly useful for enhancing security of supply.
- l. The Agency finds the planned involvement of ENTSOG in the Gas Coordination Group, the Regional Groups under Regulation (EU) No 347/2013, and the TSO regional cooperation within ENTSOG adequate for the foreseen tasks and activities.
- m. The Agency encourages ENTSOG's focus on achieving enhanced transparency and improvements in data quality, and notes the importance of establishing the relevant gateways between other work areas where sufficient and trusted data is of critical importance for achieving the desired objectives, such as, but not limited to, the Common Network Operation Tools, the Early Warning System for gas supply, the system modelling including in support of cost-benefit analysis, and other strongly data-dependent areas of work.

Done at Ljubljana on 20 November 2014.

For the Agency:



Alberto Pototschnig  
Director



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