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**RECOMMENDATION OF THE AGENCY FOR THE COOPERATION OF ENERGY  
REGULATORS No 04/2015**

**of 13 October 2015**

**ON THE AMENDMENT TO THE NETWORK CODE ON CAPACITY  
ALLOCATION MECHANISMS IN GAS TRANSMISSION SYSTEMS**

THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS,

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>1</sup>, and, in particular, Article 7(2) thereof,

HAVING REGARD to Commission Regulation (EU) No 984/2013 of 14 October 2013 establishing a Network Code on Capacity Allocation Mechanisms in Gas Transmission Systems (the Network Code on Capacity Allocation Mechanisms) and supplementing Regulation (EC) No 715/2009 of the European Parliament and of the Council<sup>2</sup>,

HAVING REGARD to the favourable opinion of the Board of Regulators of 13 October 2015,

WHEREAS:

- (1) On 26 December 2014, the European Network of Transmission System Operators for Gas (“ENTSOG”) submitted to the Agency a draft proposal for amending the Network Code on Capacity Allocation Mechanisms. The proposal of ENTSOG was prepared at the request of the European Commission, formulated in a letter to ENTSOG on 19 December 2013, as well as on the basis of the Agency’s Guidance paper<sup>3</sup> issued on 2 December 2013, with the aim to include incremental capacity in the scope of NC CAM.
- (2) The current proposal provides a new regulatory framework to define incremental capacity, to assess the market demand for it, as well as to offer and to allocate it in a market-based manner. This is essential to enable efficient and financially viable investments in gas infrastructure. The proposal also covers technical changes to the Network Code on Capacity Allocation Mechanisms with respect to the auction process and timings.

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<sup>1</sup> OJ L 211, 14.8.2009, p.36

<sup>2</sup> OJ L 273, 15.10.2013, p. 5

<sup>3</sup> [http://www.acer.europa.eu/Gas/Framework%20guidelines\\_and\\_network%20codes/Documents/ACER%20Guidance%20on%20NC%20CAM%20Amendments%20%28final%29.pdf](http://www.acer.europa.eu/Gas/Framework%20guidelines_and_network%20codes/Documents/ACER%20Guidance%20on%20NC%20CAM%20Amendments%20%28final%29.pdf)

- (3) The Agency ran two public consultation: one on the ENTSOG proposal for Incremental Capacity to amend the Network Code on Capacity Allocation Mechanisms in accordance with Article 7 of Regulation (EC) No 715/2009 and Article 10 of Regulation (EC) No 713/2009, from 4 February to 4 March 2015<sup>4</sup>, and a second one from 17 July to 31 August 2015<sup>5</sup>, to verify the change requests triggered by the stakeholders' feedback in the first consultation,

HEREBY RECOMMENDS:

The amendment to the Network Code on Capacity Allocation Mechanisms in Gas Transmission Systems as specified in Annex I.

This Recommendation is addressed to the European Commission.

Done at Ljubljana on 13 October 2015.

For the Agency:

  
Alberto Pototschnig  
Director

**Annex I:** Proposal for amendments to the Network Code on Capacity Allocation Mechanism

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<sup>4</sup> [http://www.acer.europa.eu/Official\\_documents/Public\\_consultations/Pages/PC\\_2015\\_G\\_02.aspx](http://www.acer.europa.eu/Official_documents/Public_consultations/Pages/PC_2015_G_02.aspx)

<sup>5</sup> [http://www.acer.europa.eu/Official\\_documents/Public\\_consultations/Pages/PC\\_2015\\_G\\_05.aspx](http://www.acer.europa.eu/Official_documents/Public_consultations/Pages/PC_2015_G_05.aspx)



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