**ENI’S RESPONSE TO** **ACER’S PUBLIC CONSULTATION ON DRAFT FRAMEWORK GUIDELINES ON INTEROPERABILITY RULES AND DATA EXCHANGE FOR THE EUROPEAN GAS TRANSMISSION NETWORKS**

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**1. Scope and application, implementation (Chapter 1 of the Framework Guidelines (the ‘FG’)**

**Q1.1**

*Do you consider that the FG on interoperability and data exchange rules should harmonise these rules at EU level, as follows:*

*a) At interconnection points only?*

*b) Including interconnection points and where appropriate points connecting TSOs’ systems to the ones of DSOs, SSOs and LSOs (to the extent cross-border trade is involved or market integration is at stake)?*

*c) Other option? Please explain in detail and reason.*

*d) I don’t know.*

**A1.1**

We acknowledge that the FG should not cover points connecting TSOs’ systems to the ones of DSOs, SSOs and LSOs. However, we believe that the Network Code on interoperability and data exchange should facilitate the harmonization of some of the areas covered by the proposed Framework Guidelines (for example units, data exchange and gas quality) also to these systems through separate regulatory processes to be carried out at national level.

**Q1.2**

*Do you consider that for any of the above options the level of harmonisation shall be (Section 1.b of the FG):*

*a. Full harmonisation: the same measure applies across the EU borders, defined in the network code?*

*b. Harmonisation with built-in contingency: same principles/criteria are set with a possibility to deviate under justified circumstances?*

*c. No additional harmonisation, meaning rules are set at national level, if they deemed necessary by the national authorities, which may include either NRAs or the government?*

**A1.2**

**eni** believes, in general terms, that full harmonization, as long as it represents an element of progress for market integration, should be the aim of the Framework Guidelines.

However, we also recognize that there are issues in which providing a full harmonization is not appropriate. In these cases the FG should be limited to providing common principles to be pursued by operators.

**Q1.3**

*Shall any of the issues raised in the FG (Interconnection Agreement, Harmonisation of units, Gas Quality, Odorisation, Data exchange, Capacity calculation) get a different scope from the general scope as proposed in section 1.b. of the FG (and as addressed in the previous question)? Please answer by filling in the following table, ticking the box corresponding to the relevant foreseen scope.*

**A1.3**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | *IAs* | *Units* | *Gas Quality* | *Odorisation* | *Data Exchange* | *Capacity Calculation* |
| *Full harmonization* |  | X |  | X | X |  |
| *Partial harmonization* | X |  | X |  |  | X |
| *Business as usual* |  |  |  |  |  |  |

As highlighted in A1.2 we consider full harmonization of principles as the goal of the FG. However for some areas there are some aspects that cannot be fully harmonized and, therefore, a less incisive approach should be followed.

**Q1.4**

*What additional measures could you envisage to improve the implementation of the network code? Please reason your answer.*

**A1.4**

In our opinion the TSOs’ requirement to inform all concerned counterparties on the possible consequences the implementation of the Network Code could have on their activities is too vague. We believe that there should be a specific deadline for TSOs to provide this information within 3 months after the presentation of the report for the adoption of the Code to ENTSOG, the NRAs and ACER.

**2. Interconnection Agreements**

**Q2.1**

*Do you think that a common template and a standard Interconnection Agreement will efficiently solve the interoperability problems regarding Interconnection Agreements and/or improve their development and implementation?*

*a. Yes.*

*b. No.*

*c. I don’t know.*

*d. Would you propose additional measures as to those proposed? Please reason your answer.*

*e. Would you propose different measures as to those proposed? Please reason your answer.*

**A2.1**

In our opinion a common template and a standard Interconnection Agreement could help in solving the interoperability problems regarding Interconnection Agreements. Therefore more attention should be given to the assessment and definition of minimum requirements to be included in the common template.

**Q2.2**

*Do you think that a dispute settlement procedure as laid down in the text will efficiently contribute to solving the interoperability problems of network users regarding Interconnection Agreements and their content?*

*a. Yes.*

*b. No.*

*c. I don’t know.*

*d. Would you propose additional measures as to those proposed? Please reason your answer.*

*e. Would you propose different measures as to those proposed? Please reason your answer.*

**A2.2**

Yes, we believe that a dispute settlement procedure as laid down in the text is a valid tool to effectively contribute to solving interoperability problems.

**Q2.3**

*Do you think that a stronger NRA involvement in the approval of the Interconnection Agreements could be beneficial? Please explain in detail and reason.*

*a. Yes.*

*b. No.*

*c. I don’t know.*

**A2.3**

**eni** agrees that Interconnection Agreements, elaborated by TSOs, should be communicated to competent NRAs. In addition, NRAs (and ACER when operates in line with Regulation 713/2009) should be empowered to require changes to the agreements where they are not in line with the common template and with the European and national legislations.

**3. Harmonisation of Units**

**Q3.1**

*Do you think that there is a need for harmonisation of units?*

*a. Yes.*

*b. No, conversion is sufficient in all cases.*

*c. I don’t know.*

*d. Would you propose additional measures as to those proposed? Please reason your answer.*

*e. Would you propose different measures as to those proposed? Please reason your answer.*

**A3.1**

**eni** welcomes ACER’s proposal to include in the Framework Guideline the harmonization of units. We believe that such a harmonization should apply to all communications between TSOs and their counterparties (not only network users). This would definitely prevent potential waste of money and time due to misunderstandings.

In our opinion, in line with A1.1, harmonization of units should also be extended, through national legislative/regulatory processes, to DSOs, SSOs, LSOs. Indeed, a full harmonization of units across the European Union would have a positive impact on all infrastructure operators and users.

**Q3.2**

*What is the value added of harmonising units for energy, pressure, volume and gross calorific value?*

*a. Easier technical communication among TSOs.*

*b. Easier commercial communication between TSOs and network users.*

*c. Both.*

*d. No value added.*

*e. I don’t know.*

*f. Other views. Please reason your answer.*

**A3.2**

We believe that the harmonization of units for energy, pressure, volume and gross calorific value would definitely represent an added value in terms of facilitation of technical communication among TSOs and commercial communication between TSOs and network users.

**Q3.3**

*Shall harmonisation be extended to other units? Please reason your answer.*

**A3.3**

In our opinion there is no need to extend the harmonization of units to others than the ones identified by ACER in its draft Framework Guideline as energy, pressure, volume and gross calorific value are the main units used in technical and commercial communications.

**4. Gas Quality**

**Q4.1**

*Please provide your assessment on the present proposal; in particular assess the provisions on ENTSOG gas quality monitoring, dispute settlement and TSO cooperation. Would these measures address sufficiently the issues that are at stake? Please reason your answer.*

**A4.1**

**eni** welcomes ACER’s proposal to provide a close cooperation between TSOs to find technically feasible and financially reasonable solutions to handle gas quality and to consider a cost-benefit analysis while determining these solutions. Indeed in our opinion a single top-down European solution would not be appropriate both from a technical point of view and in terms of cost-efficiency. Therefore, the EU effort towards more harmonization in this area should be limited to transparency and cooperation among system operators.

Also concerning transparency requirements we agree with what has been proposed by ACER.

We also consider positively ENTSOG’s two-year outlook on the possible changes in gas quality within Europe.

**Q4.2**

*Do you consider that a technically viable solution to gas quality issues that is financially reasonable will most likely result from:*

*a. Bilateral solution between concerned stakeholders.*

*b. Solutions to be developed cross-border by TSOs, to be approved by NRAs and cost-sharing mechanism to be established.*

*c. The establishment of a general measure in the Framework Guidelines, setting a comprehensive list of technical solutions to select from.*

*d. I don’t know.*

*e. Other option. Please reason your answer.*

**A4.2**

Bilateral solutions and solutions to be developed cross-border by TSOs are, in our opinion, the two options that could better tackle the gas quality issues across the European Union.

We do not consider a comprehensive list of technical solutions to select from as a valid option because specific situations can be very different and, therefore, they should be tackled case by case.

Nevertheless, we believe that general principles and goals, to be included in the FG, might have positive effects.

**5. Odorisation**

**Q5.1**

*Please provide your assessment on the present proposal. Would the measure proposed address sufficiently the issues that are at stake? Please reason your answer.*

**A5.1**

We agree with the proposal to provide the flow of non-odorized gas as a default rule in case that TSOs fail to reach an agreement.

**6. Data exchange**

**Q6.1**

*Please provide your assessment on the present proposal. Would the measures proposed address sufficiently the issues that are at stake? Please reason your answer.*

**A6.1**

**eni** welcomes ACER’s proposal to provide a common and standardized messaging protocol for the exchange of information among TSOs, as well as from TSOs to relevant counterparties. This proposal would help preventing misunderstandings and mistakes for all parties concerned.

In our opinion, in line with A1.1, data exchange harmonization should also be extended, through national legislative/regulatory processes, to DSOs, SSOs, LSOs. Indeed, a full harmonization of data exchange across all systems in the European Union would have a positive impact on all infrastructure operators and users.

**Q6.2**

*Regarding the content of this chapter,*

*a. Data exchange shall be limited to the communication format.*

*b. Data exchange shall define both format and content, at least regarding the following points: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Please reason your answer.*

*c. I don’t know.*

*d. Other option. Please reason your answer.*

**A6.2**

It is important that the data exchange chapter provides a communication format to be used by TSOs. Harmonized contents should be defined on the following communications: nominations, allocations, reduction of flows.

**Q6.3**

*ENTSOG may support the exchange of data with a handbook of voluntary rules. Please share your views about such a solution.*

**A6.3**

An ENTSOG’s handbook of voluntary rules is surely a valid idea but it has to go in parallel with binding requirements on the communication format.

**7. Capacity calculation – The Agency view is that discrepancy between the maximum capacities on either side of an interconnection point, as well as any unused potential to maximise capacity offered may cause barriers to trade.**

**Q7.1**

*Please provide your assessment on the present proposal. Would the measures proposed address the issues that are at stake?*

**A7.1**

We deem that the present proposal is appropriate.

**Q7.2**

*Would you propose additional measures as to those proposed? Please reason your answer.*

**A7.2**

No, the proposed measures are sufficient.

**Q7.3**

*Would you propose different measures as to those proposed? Please reason your answer.*

**A7.3**

At this stage we do not propose any different measure to those proposed.

**8. Cross-border cooperation**

**Q8.1**

*Please provide your assessment on the present proposal.*

**A8.1**

We deem that the present proposal is appropriate.

**Q8.2**

*Do you have any other suggestions concerning cross-border cooperation? Please reason your answer.*

**A8.2**

No, the proposed measures are sufficient.

**9. *Please share below any further comments concerning the Framework Guideline on Interoperability and Data Exchange Rules.***

During the process of adoption of this Framework Guidelines and the relative Network Code, ACER and ENTSOG should carefully monitor that the interoperability issues related to the harmonization of the balancing period (Gas Day) and of nomination/renomination procedures are actually addressed in the balancing Network Code.