



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.4.2005
COM(2005) 157 final

2003/0302 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2), third subparagraph, point (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**REGULATION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

on conditions for access to the natural gas transmission networks

AMENDING THE PROPOSAL OF THE COMMISSION pursuant to Article 250 (2) of the
EC Treaty

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1. INTRODUCTION

Article 251(2), third subparagraph, point (c) of the EC Treaty provides that the Commission is to deliver an opinion on the amendments proposed by the European Parliament at second reading. The Commission sets out its opinion below on the amendments proposed by Parliament.

2. BACKGROUND

Date of transmission of the proposal to the EP and the Council
(document COM(2003) 741 final – 2003/0302 (COD)): 12 December 2003

Date of the opinion of the European Economic and Social
Committee: 2 June 2004.

Date of the opinion of the European Parliament, first reading: 20 April 2004.

Date of adoption of the common position 12 November 2004
(unanimity).

Date of European Parliament opinion, second reading 8 March 2005

3. PURPOSE OF THE PROPOSAL

The proposal represents a complementary measure to Directive 2003/55/EC concerning common rules for the internal market in natural gas and repealing Directive 98/30/EC. It aims at setting minimum requirements for conditions for access to the gas transmission networks.

Experience, among others gathered by the EU Gas Regulatory Forum in Madrid, has shown that qualitative market opening is as important as quantitative market opening. While Directive 2003/55/EC will fully open the market not later than July 2007, access conditions for Third Parties to the network in Member States are far from providing a level playing field.

Both Directive 2003/55/EC and the proposed Regulation acknowledge the crucial importance of Third Party Access as the principal tool to open the market and introduce competition. However, while the Directive only defines the objectives, the Regulation aims at certain minimum requirements to be met with respect to this key element of the Directive, i.e. access conditions to the transmission network.

4. OPINION OF THE COMMISSION ON THE AMENDMENTS BY THE EUROPEAN PARLIAMENT

4.1. Amendments accepted by the Commission

The Commission can accept all nine amendments adopted by the European Parliament in full. They are the result of a compromise agreement reached between the European Parliament, Council and Commission during the second reading. The amendments are in line with the Commission's objectives for the proposal and maintain the balance of interests achieved in the common position.

The substance of the amendments can be described as follows:

- Four Parliamentary amendments concern the costs to be taken into account when establishing transmission tariffs or imbalance charges. They reinforce the text of the Common Position by referring to actual costs incurred, "insofar as such costs correspond to those of an efficient and structurally comparable network operator". Such a concept is already part of the *acquis communautaire*.
- One amendment defines imbalance charges to be cost reflective to the extent possible.
- The remaining four amendments represent helpful clarifications.

5. CONCLUSION

Pursuant to Article 251(2) of the EC Treaty, the Commission amends its proposal as set out above.