

**ACER Public Consultation on
the Draft Framework Guidelines on
Interoperability and Data Exchange Rules for
European Gas Transmission Networks**

Initial evaluation of responses

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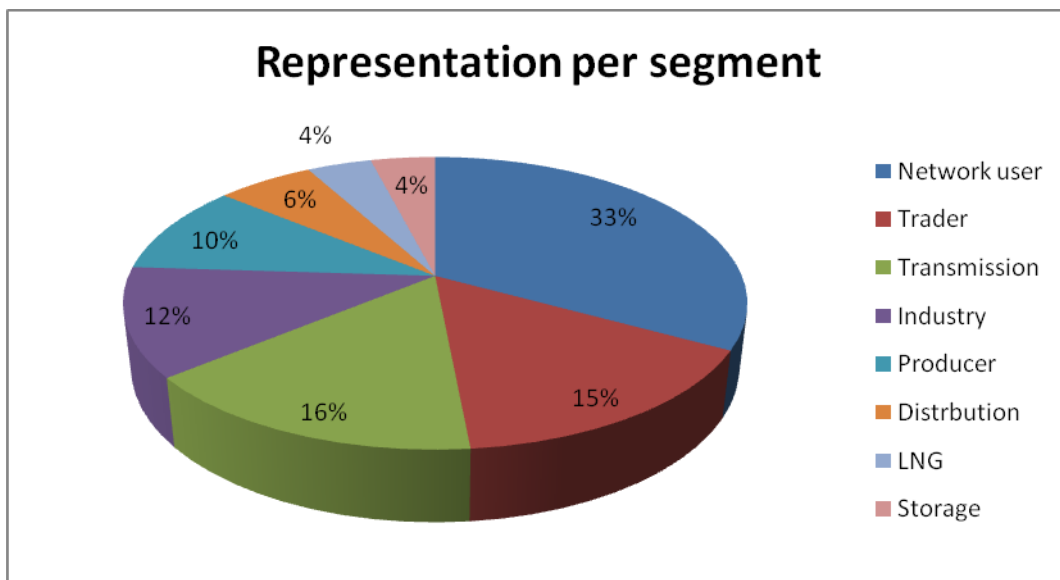
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1 Introduction

On 16 March 2012, the Agency for Cooperation of Energy Regulators (the 'Agency') launched a public consultation on the draft Framework Guidelines on Interoperability and Data Exchange Rules for European Gas Transmission Networks. The purpose of this consultation was to collect the views of the stakeholders in order to develop the Framework Guidelines pursuant to Articles 6(2), 8(6)(d) and 8(6)(e) of Regulation (EC) No 715/2009 (the 'Gas Regulation')¹.

The public consultation launched by the Agency solicited feedback from various stakeholders on the draft Framework Guidelines as published on 16 March 2012 on the Agency's website. The public consultation closed on 16 May 2012.

The consultation on the draft Framework Guidelines on Interoperability and Data Exchange Rules for European Gas Transmission Networks resulted in a total of 34 responses, 12 of which were provided by European Associations. All contributions considered the different entities have affiliation with various segments of the gas business. The weight of each segment in the overall package of companies and associations is shown in the following table:



Annex 1 lists the names of all the respondents including their country/area of representation and the nature of activity.

2 Responses

The Agency public consultation aimed at collecting the views of the stakeholders on the draft Framework Guidelines on Interoperability and Data Exchange Rules for European Gas Transmission Networks.

¹ 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 1775/2005, OJ L 211/36 14/08/2009.

Where relevant and practical, the Agency has provided the number of respondents or weight of the segments that agreed or disagreed with the Agency's proposals in the consultation document (e.g. *"18 respondents agreed with the proposed option."*). It should be noted that this does not mean that the remaining respondents disagreed with the proposal, unless otherwise stated. Respondents may have chosen not to respond, or may have commented instead.

The following sections provide an initial analysis on the responses received in the consultation and focus on key issues raised by the respondents.

2.1 Scope and application

Issues	Stakeholders' feedback	Acer's views
1. Scope and application		
1.1 General Scope	<p>32 responses were provided. 11 respondents are in favour of a scope limited to IPs. A majority of 19 out of 32 answers give preference to a harmonisation extended to points connecting TSOs' systems to the ones of DSOs, SSOs and LSOs, when applicable and as far as cross-border trade is involved, or market integration is at stake. The two remaining respondents ask for a full application on all points of the transmission system, including the connections to producing facilities and connections with third countries.</p>	<p>ACER welcomes the overall support of the stakeholders for the approach considered in the FG Interoperability and Data Exchange Rules and concludes from the answers received that the interoperability and data exchange rules shall be harmonised at EU level on interconnection points and where appropriate points connecting TSOs' systems (to the extent cross-border trade is involved or market integration is at stake). This position is in line with article 8.7 of the Regulation (EC) No 715/2009, asking for the development of network codes for "cross-border network issues and market integration issues".</p> <p>On gas quality, ACER believes he draft rules enforcing TSO cooperation on interconnection points only, are proportionate to the identified problem, while respecting subsidiarity. On Interconnection agreements, if imposed on all other points than interconnection points, the obligation would remain only applicable on the transmission system operator, not on its counterparty, which would not give more reassurance compared to conditions stipulated in the Regulation (EC) No 715/2009. Further specific references made to interconnection agreements, gas quality and capacity calculation is to be considered while carrying the analysis to question 1.3.</p> <p>Some of the respondents requested references to DSOs, LSOs, SSOs, third countries and production facilities. The regulation provides a specific legal basis in relation to LSOs and SSOs, in article 15.1.(b) of</p>

		<p>the Regulation (EC) No 715/2009, but gives no further support to make reference to DSOs else than recital 6. Production facilities are out of the scope of the regulation. A reference to Third-Countries has been included.</p> <p>As understood from the remarks received from those respondents representing the distribution segment, the reference to DSOs in the scope and application section of the draft Framework Guideline needs to be clarified. In particular, specific reference to recital 6 shall be deleted.</p> <p>In relation to the impact of the above analysis on the consulted draft Framework Guideline text, ACER concludes that its vision on scope and application as reflected in the consultation paper is not to be modified.</p>
<p>1.2 General harmonisation level</p>	<p>Opinions are divided about the general level of harmonisation across the EU. A single answer states that no additional harmonisation is needed. Overall, out of 25 answers, 10 respondents are in favour of an EU-wide approach, whereas 14 would welcome the possibility to deviate under justified circumstances based on built-in contingency plans.</p> <p>Where deviation is indicated as acceptable, those respondents would allow a step by step approach, appointing different characteristics of the adjacent systems as well as markets' liquidity as justified circumstances.</p>	<p>ACER concludes from the consultation that a European wide approach shall be the main goal. While ACER understands the need for some flexibility in the implementation of the NC on Interoperability and Data Exchanges Rules, the Agency considers that this flexibility is adequately provided by a transition period, which was not contradicted by any evidence provided by the answers to the consultation. This transition period is set by default to 12 months.</p> <p>ACER notices that the answers to this question were driven by differing interpretations as some of the respondents focused on the issues itself and the depth of their harmonisation, which was part of question 1.3 of the questionnaire.</p>

<p>1.3 Specific harmonisation level</p>	<p>Stakeholders are clearly in favour of full harmonisation on the issues of units (24 answers out of 27) and Data Exchange (20 answers out of 28). They favour partial harmonisation for interconnection agreements (16 answers out of 25) and gas quality (19 answers out of 29). Counting 9 for full harmonisation and 12 for partial harmonisation of the overall 28 answers, it can be concluded that the business as usual option on the capacity calculation issue can be excluded. Opinions are divided on the issue of odorization, but the upper side of the gas chain, being producers, network users and traders, express their preference for full or partial harmonisation while the lower side of the gas chain, being the distribution and the industry, prefer the business as usual option.</p>	<p>ACER welcomes the overall support of the stakeholders for the approach considered in the FG Interoperability and Data Exchange Rules. ACER concludes that the highest level of harmonization (full and EU wide) is expected for the issues of Data Exchange and units, with a less ambitious approach for Interconnection Agreements, gas quality and capacity calculation. On odorization, narrowing the scope or taking into account the conclusion of the previous question 1.2 might help on this last issue.</p>
<p>1.4 Additional comments</p>	<p>Some of the proposals made by the respondents have links with other developments and can be left out of scope. As an example, TPA -access to transmission systems is an issue where the Regulation 715/2009 has foreseen a different Network Code (not yet on the planning). A definition of a gas day is already defined in the process of development of the Network Code on Capacity Allocation Mechanisms. Other Competent Authorities exist to look at Security of Supply. And the scope of the rules within the framework of Framework Guidelines and Network Codes is already limited to transmission systems. ENTSOG has taken on board already the communication on maintenance on transmission systems in Europe.</p>	<p>Most of the additional measures proposed, are already taken care of in other processes. In its wording of the FG, ACER takes into account the trade-off between an adequate timeline for the implementation of the Network Code for operators and network users, and the request to ensure for a high level of transparency in each step of the Network Code development, both with consultation procedures and with a clear description of reasons for the options chosen.</p>

2.2 Interconnection Agreements

Issues	Stakeholders' feedback	Acer's views
2. Interconnection Agreements		
<p>2.1 Added value of a common template for Interconnection Agreements</p>	<p>16 out of 27 respondents support the introduction of a common template. In addition to that support, a whole list of additional measures has been proposed, with a request to modify the draft Framework Guideline. These proposals relate to requests to include responsibilities for the management of metering and meter reading, to be more specific on metering gas quality and quantities (out-of-spec, maintenance, back-up, single point) and in the gas quality section (include parameters), to ensure coordination on maintenance plans (as stated in NC CAM). to make arrangements transparent so that market participants are not exposed to unknown or undue risks (i.e. allocation rules), to look at the effects on connections with non-EU Member States and DSOs, to guarantee an overall transparent process, to include a definition of “exceptional event”, to require TSOs to act as reasonable and prudent operators at all times and to account for “fuel gas”.</p> <p>6 of the 8 respondents asking for different measures express serious doubts to the introduction of the standard interconnection agreement provision. Recommendations are made to limit the intervention of NRAs, to limit the scope of the standard agreement on certain topics only or to limit an interconnection agreement to TSO-TSO operational rules.</p>	<p>ACER welcomes the overall support of the stakeholders for the introduction of a common template. ACER equally welcomes the suggestions aiming at improving the overall transparency of the process. ACER acknowledges the necessity to improve clarity when referring to basic requirements and defaults rules. The section has been modified to clarify this point.</p> <p>On the list of additional measures that is provided, ACER understands that most topics in relation to gas quality, measurement and allocation are already covered under the seven topics where a default text is requested to be developed by ENTSOG. All suggestions may be used by ENTSOG when developing such default rules. Maintenance cooperation is already covered by another process (Network Code CAM), the transparency request on allocation rules is already dealt with in the transparency guidelines and the scope issue has been discussed in previous section. References to prudent operator and “fuel” gas are out of the scope of an Interconnection Agreement. "exceptional events" are now defined in the definition section (1.d)</p>

<p>2.2 Dispute Settlement</p>	<p>Out of 25 answers, 13 are in favour of the dispute settlement procedure as defined in the text. Additional and different approaches being suggested by 9 respondents, relate to the installation of a timely and efficient dispute procedure and therefore suggesting a consultation on its design. Delays are requested to be set clear, detailed rules are being asked in Framework Guideline and Network Code and the consequence for the agreements with non-EU member states is to be reflected on.</p> <p>Overall, 4 respondents consider that the issue is related to the national legal system agreed in cross border agreements, and also of “no use” because shippers can always call on the national regulatory authority in charge of energy issues, while 3 other respondents, of the 13 that answered in favour, explicitly mention not seeing any problem as in any other agreement either party should be entitled to request arbitration.</p>	<p>ACER welcomes the overall support of the stakeholders for a dispute settlement procedure, pursuant to Article 41(11) of the Gas Directive. In order to improve clarity, the FG now includes a specific section (1.f) on the issue.</p>
<p>2.3 NRA approval</p>	<p>Although 16 out of 26 respondents are in favour of more NRA involvement, and 8 disapprove, detailed comments provide for more nuances. To the extremes, 5 respondents find NRA approval beneficial while another 5 estimate that no further involvement is justified. Nevertheless, the number of another 4 respondents can be added to the total amount of 16 positive reactions, if the stronger involvement of NRAs, and in last resort ACER, is limited to specific situations, e.g. if the TSOs have difficulty in reaching an agreement.</p>	<p>In relation to the reactions received under the question 2.3, support is given to a stronger NRA involvement in line with what could be concluded in previous section in relation to the dispute settlement procedure, although in ACER’s view, it is not to be understood as a support for a formal approval by NRAs of the Interconnection Agreements. ACER shares the view that NRAs should be involved when difficulties occur. NRAs are to be informed about the terms of the Interconnection Agreements, along with any subsequent amendments. They will then be entitled to control the use and application of the common template. They will question any deviation to the template, and 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. No need of a modification to the consulted draft Framework Guideline text is noted.</p>

2.3 Units

Issues	Stakeholders' feedback	Acer's views
3. Units		
3.1 Need for harmonisation	<p>A majority of 27 respondents out of 29 do think that there is a need for harmonisation of units, while National Grid, in contrast to the others, only sees some benefit where TSOs are required to publish information on a common platform. Although not seen as a major barrier within the more liquid markets, the use of non-standardised units, introduces unnecessary operational risk and could therefore discourage new entrants or limit cross-border trading activity. The use of different conversion factors, for instance, could lead to mismatches or invoicing discrepancies or may be a source of unintentional mistakes. As conversion seems not always accurate or done in the same way by different TSOs (e.g. number of decimal factors, which may be higher than a dozen), the final result obtained may differ.</p>	<p>ACER welcomes the overall support for harmonisation of units. ACER's view is not to be changed and the text shall be kept as proposed, aiming for full harmonization on units. In relation to the request to define a timeline, ACER takes the view that matching the implementation time on units, with the implementation time on data exchange would be recommendable as both have to do with interaction with modifications to the IT and communicating systems.</p>
3.2 Expected added value of harmonisation	<p>Out of 28 answers, 25 express that the value added of harmonising units for energy, pressure, volume and gross calorific value will both be easier technical communication among TSOs, and commercial communication between TSOs and network users. While 4 respondents see reasons to expend the harmonisation to all communication, BDEW and GTG Nord believe that the value added will be limited to commercial communication and National Grid sees no value added, unless in communication to platforms.</p>	<p>ACER shares the general opinion that the added value will be the contribution of harmonised units to a more efficient functioning of the market, the prevention of the occurrence of mistakes or mismatches in converting units, the ability of TSOs to fulfil their future obligations to cooperate fully across borders to provide consistent capacity products and the easier commercial communication between supplier and end consumer.</p>

<p>3.3 Need for an extension of the scope</p>	<p>More or less half (12 out of 23) of the respondents indicate that harmonisation shall be extended to other units. All kind of parameters to identify gas quality and quantity are suggested, the use of the euro for information is proposed and the publication of an official conversion table is asked. Several respondents ask for a supplementary rule to use units in a consistent way throughout the logistic chain of TSO services, from capacity booking till allocation of gas. Harmonisation should also apply to the standard temperature used to calculate capacity and the standard temperature and pressure used to calculate volume, as these are already included in 3.1.1(1) (f) of Chapter 3 of Annex I of Gas Regulation 715/2009.</p>	<p>ACER welcomes the suggestions for further harmonisation. However, proposals do not provide adequate justifications. Introducing the euro is judged out of scope, having a full list of gas quality parameters does not directly relate to a better functioning of the market , and the usefulness of conversion table is questionable as full harmonization is introduced, including the temperature and pressure references that are needed as reference. The goal to use units in a consistent way throughout the logistic chain of TSO services, from capacity booking till allocation of gas, has already been achieved through the development of the Framework Guideline on CAM where the obligation to book capacity in energy units is set. However, provided that ENTSOG contributes to further evidence for the added value of further harmonisation, the FG now reflects the possibility for the inclusion of additional parameters (section 3).</p>
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2.4 Gas Quality

Issues	Stakeholders' feedback	Acer's views
4. Gas Quality		
<p>4.1 Assessment of the FG</p>	<p>The majority of the respondents (19) assess positively one or more parts of the current proposal. However, detailed modifications to the text are proposed by 10 of them. These include shipper's protection from extra charges and contract change, the mentioning of gas quality in the interconnection agreement, the setting of rules on interconnection points and a specific implementation timeline. Further comments are given to reinforce the proposal on information provision (8), to support the ENTSOG gas quality monitoring (4) and to have a stronger focus on TSO cooperation (3).</p> <p>6 respondents ask for more concrete measures on the harmonisation of gas quality parameters, referring to the parallel processes that are running in CEN, have been launched by DG ENER and have been developed by EASEE-gas. Although, it is to mention that 2 respondents explicitly welcome that entry and exit specification are not to be imposed to be set equal.</p> <p>8 respondents agree on the central role of TSOs on the issue of gas quality. An opinion that is countered by 4 representatives of operators, by pointing NRAs and Member States as the responsible parties on the subject. The distribution segment profiles itself as having a strong interest in gas quality, asking to be informed and involved in the process.</p>	<p>Being aware of the parallel processes that are running under the initiative of the European Commission, ACER is of the opinion that the focus of the proposed Framework Guideline has different objectives, being to eliminate barriers for cross border flow.</p> <p>While ACER understands that gas quality may become an EU-wide issue in the future, neither the public consultation nor the expert group provided evidence of a problem requiring harmonisation further than already proposed in the FG.</p> <p>The paragraphs related to information provision have been clarified according to the comments, to further differentiate short term information towards end-consumers that have a special need for this information to be able to adjust their installations, and long term monitoring of the gas quality. It is not meant to create a platform, for general information, as suggested by one respondent. The issues related to TSO cooperation (off-spec gas quality, constraints and cost benefit analysis on gas quality) are already tackled in the Interconnection Agreement section.</p>

<p>4.2 Specific harmonisation level</p>	<p>23 out of 31 respondents favour a cross-border approach among TSOs, to be approved by NRAs. While 15 of them see this as the only option, 7 indicate to be in favour of a more flexible approach, combining a bilateral approach with the definition of cross-border solutions.</p> <p>Even though the cross border option with involvement of NRAs was the preferred option, another 7 respondents that participate this view, ask to expend this option to ensure for stakeholder involvement in form of a consultation in the decision process. Another 4 respondents see some benefit in providing a role for ACER in case of disagreement among NRAs.</p>	<p>The outcome of the consultation supports focusing on TSO cooperation, information provision and monitoring. In that respect, the balance between bilateral solutions between concerned stakeholders and solutions to be developed cross border by TSOs, to be approved by NRAs and cost-sharing mechanisms to be established is to be kept in the FG.</p>
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2.5 Odorization

Issues	Stakeholders' feedback	Acer's views
5. Odorization		
5.1 General assessment	<p>Out of 30 respondents, the 19 respondents from the network users, traders and distribution segment, the producer association OGP and 2 of the 4 industrial organisations agree that there is an issue with odorization and agree on the default of non-odourised gas. However, 15 of them approve the current proposal, giving priority to bilateral agreements so as to take into account the special needs and characteristics of the local adjacent systems. 2 respondents ask for full exclusion of odourised gas at cross border points, 2 asking for a supplementary ex ante cost-benefit analysis and 1 for the implementation of standardised procedures.</p> <p>From the operators' side, Enagas, also supported by Marcogaz, expresses doubts over the feasibility of the current default rule, and wants to be reassured that the default rule shall not be approved while there is not any evidence for the need of it.</p>	<p>As an outcome of the public consultation as well as the expert group meetings, ACER believes that different odorization practices can constitute a clear barrier to trade. While acknowledging that a bilateral approach based on a cost-benefit analysis should be favoured when looking for a solution, ACER considers that a default harmonisation approach is proportionate to the issue considered. The FG has been modified to reflect those concerns.</p>

2.6 Data Exchange

Issues	Stakeholders' feedback	Acer's views
6. Data Exchange		
6.1 General Assessment of the FG	<p>Out of 24 respondents, 16 associations or companies assess the present proposal positively, agreeing on the benefit to be gained from harmonisation data exchange. The comments provided suggest not to look at data only but also at the communication processes, to define one unique communication platform for the whole of Europe, to standardise the data network, to extend the scope to DSOs, SSOs, LSOs through national legislative/regulatory processes, to harmonise on data content, to impose a high level of data security to maintain confidentiality, to be specific on the timescales for implementation, to expand the information flow from the TSOs to the markets, to make the rules explicit to comply with by TSOs and to explain what areas are meant next to FG CAM .</p> <p>Mixed messages are received from the distribution level, from being not involved to reasonably expect to be involved. Transmission system operators favour a harmonisation limited to high level principles, allowing for technical flexibility. ENTSOG believes the network should focus on "how" to communicate. Additional comments from Gaslink and National Grid include a provision for the management of incompatibility between the different systems, a roadmap (interim steps) and detailed background information on the considerations that are to be taken into account when selecting the format.</p>	<p>ACER welcomes the general support for the FG. As TSOs play a central role in the gas market, ACER is confident that harmonisation of their data exchange practices will influence other stakeholders' approach to communication.</p>

<p>6.2 Harmonisation level</p>	<p>Out of 26 answers, 21 agree that data exchange shall define both format and content. Stakeholders define a minimum set of expected content as already specified in other guidelines (CAM, Balancing, etc.), but also nomination and re-nomination processes, and allocation processes as already specified in the section dedicated to interconnection agreements. However, some of the respondents like EUROGAS and VEN, also supported by the other 5 respondents that have selected another option (BDEW, EASEEgas, GTG Nord, ENTSOG and ExxonMobil) question the feasibility of including in the Network Code as content should be more flexible and adapted to the context. The existing standards should be taken into consideration as currently in place and used by the energy community (network users and traders). Reference is made to the EASEE-gas CBPs, EDIGAS protocol, and EFET approach.</p>	<p>ACER shares the view, in combination with the received support under question 1.3 (paragraph 3 of this document), that data network, protocol, format and content shall be harmonized for all communication underlying commercial processes (in relation to items listed in article 8.6 of the Regulation (EC) No 715/2009, regardless if they are being established through the normal Framework Guidelines/Network Code process or through direct comitology) conducted by TSOs. No clear explanation has been provided to justify that Data exchange content cannot be harmonised in Network Codes. However, as content only can be defined when the relevant process is clear, the timeline of the harmonisation of content should be conditional to the approval of that specific process. The wording of the section 1.c (objectives) has been adapted to reflect the necessity to harmonise the content of data exchanged.</p>
<p>6.3 Voluntary approach (Handbook)</p>	<p>Out of 23 respondents, 10 associations of companies do not see any harm in developing a handbook with voluntary rules. However, 13 respondents express serious doubts. Pros and cons are mentioned, differentiating on the level of detail between network definition, messaging protocol, data format and content, accompanying the handbook with binding network code rules or making it binding through the Network code. Those respondents accepting a handbook with voluntary rules fear utmost the rigid comitology process, which would limit the flexibility needed to follow technological evolution. Where those not agreeing, fear that without any binding rules the market will not be better off and will end up with different protocols in various systems like today.</p>	<p>ACER shares the view that no harmonisation level higher than already observed is to be expected from a voluntary approach. Again, no clear explanation has been provided to justify that harmonisation of content within a NC would be unacceptably rigid.</p>

2.7 Capacity calculation

Issues	Stakeholders' feedback	Acer's views
7. Capacity Calculation		
7.1 General assessment	<p>Out of 25 respondents, 6 consider that the issue is redundant with the existing regulation and/or not needed. ExxonMobil however, also not enthusiastic, would support including in the Framework Guideline a common approach to the capacity definitions (baseline, technical, additional and interruptible) in accordance with paragraph 3.3 of Annex 1 to the Gas Reg. A position shared by OGP, VEN and GDF SUEZ, asking the completion of measure 7 a) in that sense. 6 respondents support the proposal text as it is, while 7 others react positively, still commenting further. Consideration for interconnection points with third countries is asked, some essential parameters to be used to guarantee compatibility on both sides is expected, the same requirements might be necessary for interruptible and additional capacity, a harmonising the principles used by the different TSOs in calculating their capacity suggested. In EFET's view, the proposal needs to focus more on the requirements for a joint calculation of capacity, using a single model, aiming to reproduce what an ISO would do if they had responsibility for both systems and an obligation to maximize the capacity that could be offered.</p>	<p>The current proposal goes beyond the requirements made in the Transparency regulation, as well as in CAM, focusing on cross-border discrepancies in capacity calculation, and therefore cannot be considered redundant.</p> <p>As the main issues observed in relation to capacity calculation are transparency and cooperation, ACER agrees on the importance of the definition of parameters to be shared among TSOs, as well as a reference to third-countries (see modification of section 1.b)</p> <p>As an outcome of the public consultation as well as the expert group meetings, ACER understands that, as input parameters cannot be fully harmonised (transparency regulation), the use of a single model would not guarantee a single capacity calculation output, thus providing limited added value.</p>
7.2 Additional measures	<p>10 stakeholders addressed this question on top of the previous one: EDISON, Eurelectric, GMT and JP Morgan call for a higher level of harmonised assumptions and parameters on the subject, imposing the same volume of physical capacity at both sides of an IP (JP Morgan), a unique calculation methodology (EDISON and GMT) that could be certified involving NRAs (GMT) or a third party (EDISON). A settlement procedure might be considered (EDP). Gas Natural Fenosa, EASEEgas and EUROGAS call for an improved coordinated approach for capacity extensions, GEODE wants that DSO's requirements are given priority and Statoil asks to include high transparency requirement for interruptible and additional capacity.</p>	<p>While ACER shares the view that a same value for calculated capacity at both sides of an IP is the objective, ACER believes that imposing such an outcome could result in capacity reductions. Therefore, a monitoring of the situation and a case-by-case approach are favoured. Interruptible and additional capacity relate to a commercial approach that is out of the scope.</p>

<p>7.3 Different measures</p>	<p>From the 14 respondents that address this question, only EFET, JP Morgan and National Grid indicate to have some additional measures. EFET suggests extending the harmonised approach on technical capacity in the Framework Guideline to additional and interruptible capacity. JP Morgan underlines the importance of the monitoring report as described in the current draft. National Grid suggests following the current financial incentivisation scheme in place in Great Britain to ensure a maximisation of capacity releases at inter connection points.</p>	<p>Interruptible and additional capacity, as well as financial incentivisation, relate to a commercial approach that is out of the scope of the section.</p>
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2.8 Cross-border cooperation

Issues	Stakeholders' feedback	Acer's views
8. Cross-border cooperation		
8.1 General assessment	<p>From the 22 respondents expressing their views to the question, 16 do this in a positive way, although 6 insist on regular reviews by ACER. EFET specifies that the review should include a benchmark against a theoretical European ISO. 3 respondents do not see de benefit of repeating the regulation.</p> <p>GDF SUEZ and OGP state that the framework guideline as proposed contributes to enhance cross-border cooperation between TSOs and eases gas exchanges for shippers. Eurogas, subject to tightening up on some aspects, estimates that the FG proposed is a basis for progress.</p>	<p>Although there is support for the wording of the section, ACER acknowledges that it is stating the current regulation and thus removes the section for clarity improvement.</p>
8.2 Additional suggestions	<p>While 5 respondents have not given suggestions, 7 others mention the setup of a common database as a basis for the follow-up of cross-border coordination, better communication on losses, cooperation on capacity extensions, the set-up of a benchmark against an efficient ISO, the application of appropriate measures by NRAs, the focus to have a uniform set of rules in addition to the national language.</p>	<p>None of the suggestions made to expend cross border cooperation is seen as acceptable under the scope of the Framework guideline. This refers to language setting, benchmark or follow-up, communication on losses and the check on NRAs.</p>

2.9 Open comments

Issues	Stakeholders' feedback	Acer's views
9. Open comments		
	<p>18 stakeholders provided a contribution to this open question. National Grid, EASEE-gas and ENTSOG give Specific and direct reactions to the current wording of the Framework Guidelines to underpin their comments.</p> <p>DEPA, EASEE-gas, EFET, ENI, GDF SUEZ, Statoil and OGP regret that the issue of nomination & re-nomination and the gas day has disappeared from the document.</p> <p>BDEW insists on certainty on cost recovery for TSOs and DSOs, where the national rules shall have to be modified while Edison and OGP insist on keeping some flexibility. ENAGAS presents an alternative view on the issue of odorization, an issue being seen by GDF SUEZ and OGP as a major hurdle for cross border trade.</p> <p>EUROGAS Distribution and CEDEC disagree to the mentioning of recital 6 of the preamble of the Gas Regulation, in relation to high pressure distribution lines while GEODE asks for guidance on (cost-intensive) additional control/measurement at the interconnection points.</p> <p>ENEL asks for a clear timeline and procedure that requires stakeholder involvement, with OGP insisting on having all documents in English in a reasonable time</p>	<p>ACER welcomes the contribution to the improvement of the clarity of the FG's wording. Nomination & re-nomination are now tackled in the FG on balancing.</p> <p>Comments in relation to the issue of odorization, the deletion of the reference to DSOs, a clear timeline and the use of language have been dealt with in the relevant sections of the document.</p>

3 Adjustments to the Framework Guidelines resulting from the public consultation and expert analysis

In addition to the public consultation, ACER gathered a group of expert to discuss the issues related to interoperability.

As a result of the public consultation and in light of the expert analysis, ACER decided to review the text of the Framework Guidelines and proposes changes summarised in the table below.

General issues and needs for changes	Changes in FGs
Scope and application (section 1.b)	The Scope and application section has been modified, for a better understanding of the text concerning DSOs : (i) the wording regarding DSOs was clarified; (ii) reference to recital 6 of the regulation was dropped. A reference to Third Countries was included.
Objectives (section 1.c)	A reference to harmonisation of the content of Data Exchange was included.
Definitions (section 1.d)	The definition of exceptional events was included.
Implementation, transitional period and monitoring (section 1.e)	The implementation period has now been reduced from 18 to 12 months.
Dispute resolution (section 1.f)	For a better understanding, dispute resolution, previously part of the interconnection agreement section, is now tackled in this specific section.
Units (section 3)	The section now includes the possibility for ENTSOG to explore harmonisation of units beyond the ones related to energy, volume, pressure and GCV.
Gas Quality (section 4)	The section has been modified to improve clarity: a difference is made between short-term monitoring (information towards end-users) and long-term monitoring (outlook on gas quality trends).
Odourisation (section 5)	The section has been modified, to include, in addition to a default harmonised non-odorised approach, a bilateral cost-benefit approach to the solution.
Capacity Calculation (section 7)	The section now includes in point c. a necessary list of parameters to be exchanges by TSOs when cooperating on discrepancies.

Improvements in the wording of the FG with no impact on the provisions are not listed in this table. Such changes were introduced in all sections.

Annex 1 – List of Respondents

	Name	Organisation	Segment	Country of origin
1	BDEW	Association	Network user, Industry	Germany
2	CEDEC	Association	Distribution	Europe
3	DEPA	Company	Network user	Greece
4	EASEE gas	Association	Producer, Network user, Transmission, Industry	Europe
5	EDF	Company	Network user	France
6	EDP	Company	Transmission	Portugal
7	EDISON	Company	Network user, Trader	Italy
8	EFET	Association	Trader	Europe
9	Enagas	TSO	Transmission	Spain
10	ENBW	Company	Network user, Trader	Germany
11	ENEL	Company	Network user	Italy
12	ENI	Company	Network user, Trader	Italy
13	ENI Adriaplin	Company	Network user	Slovenia
14	ENTSO	Association	Transmission	Europe
15	EURELECTRIC	Association	Industry	Europe
16	EUROGAS	Association	Network user	Europe
17	EUROGAS distribution	Association	Distribution	Europe
18	EUROMOT	Association	Industry	Germany
19	EXXONMOBIL	Company	Producer, Network user, Storage, LNG	UK
20	GasLink	TSO	Transmission	Ireland
21	GasNatural Fenosa	Company	Network user	Spain
22	GDF Suez	Company	Network user, Trader	France
23	GEODE	Association	Distribution	Europe
24	GIE	Association	Transmission, Storage, LNG	Europe
25	GMT	Company	Network user, Trader	UK
26	GTG Nord	TSO	Transmission	Germany
27	IFIEC/CEFIC	Association	Industry	Europe
28	JP Morgan	Company	Trader	UK
29	MARCOGAZ	Association	Industry	Europe
30	National Grid	TSO	Transmission	UK
31	OGP	Association	Producer	Europe
32	Statoil	Company	Producer, Network user	Norway
33	VEN	Association	Producer, Network user	The Netherlands
34	VNG	Company	Network user, Trader	Germany