

ERGEG Public Consultation

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Datum: 8 oktober 2010

Kenmerk: 2010-001/AJ/CvP-consultatie E-N gas

Dear Sirs,

Energie-Nederland is the sector association representing the common interests of the energy producers, traders and retailers in the Netherlands. Energie-Nederland welcomes the opportunity to participate in this public consultation.

Energie-Nederland emphasizes that investments into storage facilities must be supported by means of a stable and predictable regulatory environment. The responsibility for the functioning, operation and organization of the market lies to a large extent with the market parties. They give shape to the market by means of their initiatives and investments, and have the necessary room to take such initiatives, as well as to bear the corresponding responsibility. Except for the physical networks and the transport links, the market parties supply their own needs by means of investments in for example gas storage. In contrast to the transport of gas, purely commercial market activities such as gas storages should fall into the non-regulated domain and therefore do not have any special responsibilities or obligations to specific market parties, such as Third Party Access (TPA) obligations, unless there is a clearly established necessity for TPA on storage.

The interpretative note on directive 2009/73/EC concerning common rules for the internal market in natural gas third-party access to storage facilities (22 January 2010) is also clear on this matter: *"In practice, three different situations can be derived from Article 33 of the Gas Directive. Either access is not technically and/or economically necessary or it is, in which case access can be regulated or*

negotiated. The choice of access procedure is explicitly left to Member States, as the use of storage, the geological potential for storage, and the function of storage differ between Member States. Moreover, as markets integrate, the geographical scope of that market may change, as may the uses and functions of storage. Therefore, Member States should be able to adapt their rules for access to storage based on changing market circumstances. Precisely for that reason, criteria have to be published, so as to ensure that under changing market circumstances, the rules governing access to storage facilities will be adapted accordingly. Such criteria are moreover needed for investors in storage facilities, to give certainty as to the access regime that will be applied to them when operating a storage facility."

There should be a balance between a good investment climate for gas storages and the need for third party access. For a proper functioning of the gas market is in some member states TPA on storage facilities necessary and in other member states it is not. The policy should be to create a market for flexibility. A healthy investment climate is of paramount importance for this.

With Kind regards,



André Jurjus
Managing Director
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(Association of Energy Retailers in the Netherlands)