

CONCLUSIONS
XXII. MADRID FORUM
2-3 OCTOBER 2012

DAY 1

1. Progress with internal market, Third Package transposition and implementation, transit contracts and transparency

- (1) The Forum urges remaining Member States to transpose the third package Directives and all Member States, regulators and system operators to prioritise best practice implementation of the provisions of the Third Package. The Forum welcomes the Commission's continued provision of assistance in this field. The Forum also urges national regulatory authorities, system operators and the Commission to swiftly continue the certification process.
- (2) The Forum invites TSOs and regulators to report on implementation work on the Guidelines for Congestion Management Procedures at the next meeting.
- (3) The Forum takes note of the Commission's planned Internal Market Communication with particular focus on the outstanding challenges for all energy sector participants. With continued effort these challenges can be overcome and a functioning internal market for gas can be established.
- (4) The Forum thanks ACER and regulators for their work on transit contracts and concludes that while there has been significant progress in restructuring legacy contracts, exceptions continue to exist in a number of countries. The Forum invites the Commission and regulators to assess, based on the report, where follow-up legal action is necessary to achieve full compliance with the provisions of the Third Package.
- (5) The Forum welcomes the work done by ACER concerning the monitoring of compliance with transparency provisions of Regulation (EC) No 715/2009. The Forum invites regulators and the Commission to assess, based on the report, where follow-up legal action is necessary to achieve full compliance with the provisions of the Third Package. The Forum notes that the responsibilities for data provisions lies with TSOs. The Forum invites ENTSOG to present the functionalities of the transparency platform at its next meeting.

2. Capacity allocation mechanisms Network Code

- (6) The Forum welcomes the significant work of ENTSOG to deliver the first Network Code. The Forum also welcomes the work of ACER to assure that the Network Code fulfils its objectives and thanks both organizations for their cooperation.
- (7) The Forum takes note of the ACER recommendation for the adoption of the amended Network Code subject to four remaining amendments being introduced.
- (8) The Forum takes note of the changes proposed by the Commission on the "sunset clause" and on the introduction of capacity calculation in the CAM Network Code, as well as of the constructive comments of the stakeholders and invites the Commission to launch the Comitology procedure as soon as possible.

3. Balancing Network Code

- (9) The Forum welcomes the ENTSOG draft Network Code on Balancing in transmission systems and expresses appreciation for the well run process that has enabled wide stakeholder participation. The Forum thanks ACER and ENTSOG for their close cooperation on the development of the network code and encourages ENTSOG to take into account the comments provided by ACER and the stakeholders when finalizing the network code, as well as to pursue the work on the associated impact assessment.
- (10) The Forum invites ACER to provide a reasoned opinion on the network code in due time taking into account in its assessment the broad objectives set out in the Framework Guideline as well as the overarching 2014 goals.

4. Interoperability Network Code

- (11) The Forum welcomes ACER's framework guidelines on Interoperability and Data Exchange Rules for European Gas Transmission Networks under the Third Package. The Forum acknowledges ENTSOG's commitment to cooperate closely with stakeholders and welcomes the active approach taken to involve all interested parties in developing the network code. The Forum acknowledges the development of interoperability and data exchange rules as an important step towards meeting the goal of completing the internal energy market.

9. Storage

- (12) The Forum welcomes the work undertaken in monitoring the way access regimes for storages are determined across the EU, providing needed transparency and comparability on this issue. The Forum calls on Member States to establish – insofar as not done yet –, using the toolbox provided by CEER, a set of criteria for determining storage access regimes within their Member State.
- (13) The Forum also welcomes the transparency audit conducted by GSE including GSE's initiative to support storage system operators currently not meeting transparency requirements to comply with relevant rules by the next Madrid Forum. The Forum invites the regulators and GSE to co-operate in the monitoring of transparency requirements and report results at the next Madrid Forum.

DAY 2

5. Gas target model follow-up – Incremental capacity

- (14) The Forum welcomes the work of regulators and stakeholders on the allocation of incremental capacity. Regulators are invited to present at the next Forum a blueprint on how ‘new build’ capacity at existing interconnection points can be integrated into an EU-wide market-based approach, as well as on related considerations for large new infrastructure projects.

6. Tariffs Framework Guideline

- (15) The Forum appreciates the work and the public consultation done by ACER to develop a framework guideline on rules regarding harmonised transmission tariff structures for gas that is in line with promoting the internal market for gas. The Forum encourages ACER and ENTSOG to pursue the work on the impact assessment of the proposed rules. The Forum encourages Member States to actively participate in the discussion from an early stage.

7. Energy infrastructure Package

- (16) The Forum notes the progress of the inter-institutional negotiations on the Energy Infrastructure Package and supports the development of a gas-specific CBA methodology by ENTSOG. The Forum welcomes the continuous cooperation amongst all stakeholders in the process to establish the first Projects of common interest (PCI) list by mid 2013.

8. CAM NC regional implementation/Regional initiatives

- (17) The Forum endorses with enthusiasm the decision of NRAs and TSOs to proceed with the early implementation of the draft CAM code and development of the roadmap and invites ACER and ENTSOG to promote the convergence of the ongoing projects to avoid duplication of costs, as well as to report on progress of implementation at its next sessions.
- (18) The Forum also welcomes NW TSOs' launch of a joint platform and encourages the exchange of information and the early involvement of interested TSOs to work towards an inclusive and harmonised model of operation and a flexible platform design. Stakeholders ask TSOs to aim for a fully consistent approach to capacity products.
- (19) The Forum appreciates the progress achieved in the three Regional initiatives as regards milestones identified in the Regional work plans and encourages continued focus on key projects with a cross-border effect. The Forum takes note of the efforts undertaken in the GRI SSE to develop an implementation model for measures of the gas target model and encourages TSOs and NRAs in the region to continue their promising work with a view to contributing to the establishment of the internal market.

10. REMIT

- (20) The Forum supports the Commission's implementation plan on REMIT and welcomes the release of ACER's second edition of the guidance on the application of REMIT. The Forum draws the attention of the Commission and the Member States to the importance of a proper articulation between REMIT and financial services regulation

11. AOB

- (21) The Forum welcomes the launch of the Gas quality implementation pilot and urges the involvement and participation of stakeholders. The project aims to provide a framework for analysing the detailed Member-State-level effects of harmonizing gas quality specifications. Beyond harmonisation special attention would be needed to the most quality sensitive end-users