

## **(refined) Draft Network Code on Balancing – stakeholder support process**

### ***SSP Response Sheet***

Please complete the fields below and send via email using the subject title, “Response to the BAL NC SSP” to [info@entsog.eu](mailto:info@entsog.eu) by 28 September 2012.

#### **Name**

First and Last Name: Hein-Bert Schurink

#### **Organisation**

Company/Organisation Name: Energie-Nederland

Job Title: Theme manager gas

#### **Contact details**

Email: [hbschurink@energie-nederland.nl](mailto:hbschurink@energie-nederland.nl)

Tel: +31 70 311 4371

Mobile: --

#### **Address**

Street: Lange Houtstraat 2

Postal Code: 2511CW

City: The Hague

Country: The Netherlands

Countries in which your organisation operates: The Netherlands

How would you describe your organisation?

<input checked="" type="checkbox"/>	Association	Association of energy producers, retailers and wholesalers in The Netherlands.
<input type="checkbox"/>	End user	
<input type="checkbox"/>	Network user	
<input type="checkbox"/>	Trader	
<input type="checkbox"/>	Other	(please specify)

Question 1: Do you consider that the network code development process carried out by ENTSOG was appropriate, given the boundaries of the framework guideline? In particular, was the level of stakeholder engagement appropriate? If there is room for improvement, please inform us about possible suggestions for improvement.

Yes, the level of stakeholder engagement was good.

No

Comments: ENTSOG have done an good job in facilitating stakeholder engagement and ensuring relevant issues were raised and debated.

Question 2: Please complete the table below, indicating whether you support the relevant sections of the Draft Network Code on Balancing, having regard to the process carried out and ENTSG's aim to reflect the views of the majority of users during the development process.

Chapter	I: General Provisions	II: Balancing System	III: Cross-border Cooperation	IV: Operational Balancing
Support	Support	Support	Support	Support, but not Art. 12(1)b and 13(3).
Do not support				Art 12(1)b Art 13(3)

Chapter	V: Nominations	VI: Daily Imbalance Charge	VII: Within-day Obligations	VIII: Neutrality Arrangements
Support	Support	Support	Support	Support
Do not support				

Chapter	IX: Information Provision	X: Linepack Flexibility Service	XI: Implementation, Interim Steps
Support	Support	Support	Support
Do not support			

Please provide brief reasoning for your responses, if you wish.

Whilst we recognise and very much appreciate the efforts of ENTSG to refine the Network Code in response to stakeholder feedback, there are a number of points we raised in our response to the consultation which do not appear to have been considered, or have not been addressed to our satisfaction. We have highlighted these points below in the hope that ENTSG will consider them again before submitting the Code to ACER.

- Art12(1)b: Regarding Article 12(1)b should be added that TSOs not only can take balancing actions to achieve an end of day line-pack position, but they can also undertake balancing actions to comply with any with-in day restrictions.
- Art13(3): “...the TSO may seek approval from its own national regulatory authority to trade and have the gas transported to and from such an adjacent Balancing Zone as an alternative to trading Title Products and/or Locational Products in its own Balancing Zone(s). “ As a principle, we think it is not the role of a TSO to trade in an adjacent market. We think this article does not comply with the current EU-regulation. Under Article 9 of Directive 2003/55 and Article 9 of Directive 2009/73 transmission systems must be unbundled of production and delivery. This means that the same market party may have no control over the transmission and delivery and/or production. In practice, this means that a TSO may not perform activities in the field of energy trading, supply or production.

Question 3: Do you believe that the eventual implementation of the refined draft Network Code will enhance the functioning of the internal gas market?

Yes:

Comments: Yes, the NW-EU gas market is functioning quite well. This Network Code will improve the functioning of the gas market in countries that do not have a well functioning gas market.

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