

*Developing a Network Code on
Rules regarding Harmonised Transmission Tariff Structures
for Gas*

Draft Project Plan Consultation

The Public Consultation Questionnaire should be completed and submitted, no later than 10.00am (CET) on the 20th of January 2014, via the online consultation response form.

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1. Background

Regulation (EC) No 715/2009 of the European Parliament and of the Council on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005¹ defines the process for the establishment of network codes.

ACER delivered the Framework Guidelines on rules regarding harmonised transmission tariff structures for gas on the 30th November 2013 (TAR FG). On the 19th December 2013, the European Commission invited ENTSOG to draft a network code on rules regarding harmonised transmission tariff structures for gas (TAR NC) and to submit it to ACER by December 31st 2014.

This network code could have a potentially high impact on transmission system operators (TSOs) and stakeholders. Intensive interaction and a well-organised process with all stakeholders is essential to develop a network code that is acceptable to all and meets the objective of harmonising the gas transmission tariff structures across the EU, to the extent that this is necessary to contribute to non-discrimination and effective competition and the efficient functioning of the market. To meet this challenge, it is vital to have an extensive, robust and inclusive process conducted in an open and transparent manner to ensure that the well-considered development of the network code can be completed.

While ENTSOG is responsible for developing the network code, it will interact widely with stakeholders. The primary purpose of this document is to explain the process to be followed and indicate some of the key milestones during the development process. The associated consultation must secure the necessary commitments from stakeholders to participate in the process. Thus the document describes the key steps in the process and the ENTSOG vision of how it will interact with the wider community of stakeholders, particularly during the Stakeholders' Joint Working Sessions (SJWSs) and the consultation phases of the network code development.

The main documents supporting the development process of the TAR NC are published on the ENTSOG website: <http://www.entsog.eu/publications/tariffs>.

¹ OJ L 211, 14.8.2009, p. 36.

2. Objective

The objective of the project is to elaborate on the TAR FG and develop a TAR NC that contributes to the European objective of further development of the internal market for energy. In order to achieve this objective, the TAR NC will promote harmonisation of transmission tariff structures in relation to those items outlined in the scope below.

3. Scope

3.1. Topics covered in the TAR NC

The scope of the project for developing the TAR NC is based on the contents defined in the TAR FG and the requirements given in the Regulation No (EC) 715/2009. The project will also outline and identify the interactions with other areas, such as congestion management, capacity allocation mechanisms (including the amendment for incremental and new capacity), balancing, interoperability and transparency rules.

As a consequence, the project will be primarily focused on the following topics:

- General Provisions – impact assessment to consider the validity of harmonising the tariff setting year.
- Publication Requirements – shall cover provisions regarding the relevant information to be published by TSOs and national regulatory authorities to provide reasonably and sufficiently detailed information on tariff derivation, methodology and structure to enable third parties to make reasonable tariff estimations.
- Cost Allocation and Determination of the Reference Price – shall introduce a limited number of cost allocation methodologies with a methodology counterfactual and a complementary test to avoid discrimination. In addition, some high level rules on the application of cost allocation methodologies will be provided.
 - Incremental Capacity – the TAR NC shall include an economic test to facilitate decision making for the offer of incremental and new capacity and shall include adjustment mechanisms of the reserve price for incremental capacity.
- Revenue Reconciliation – shall introduce rules to ensure the recovery of efficiently-incurred costs by TSOs, to promote financial stability for efficient TSOs, and to promote tariff stability for network users whilst also taking into consideration linkages with the cost allocation methodologies.

- Reserve Price – shall develop methodologies for the pricing of short-term products, using multipliers and seasonal factors, and for bi/unidirectional interruptible capacity, using discounts.
- Virtual Interconnection Points (VIPs) – shall elaborate on a combination method for pricing capacity at VIPs.
- Bundled Capacity Products – shall specify the pricing of bundled capacity.
- Payable Price – shall specify the components of the payable price for auctions.

In addition to the above scope, the Commission has requested in its invitation letter that ENTSOG provide an impact assessment on the policy choices made during the development process for the network code.

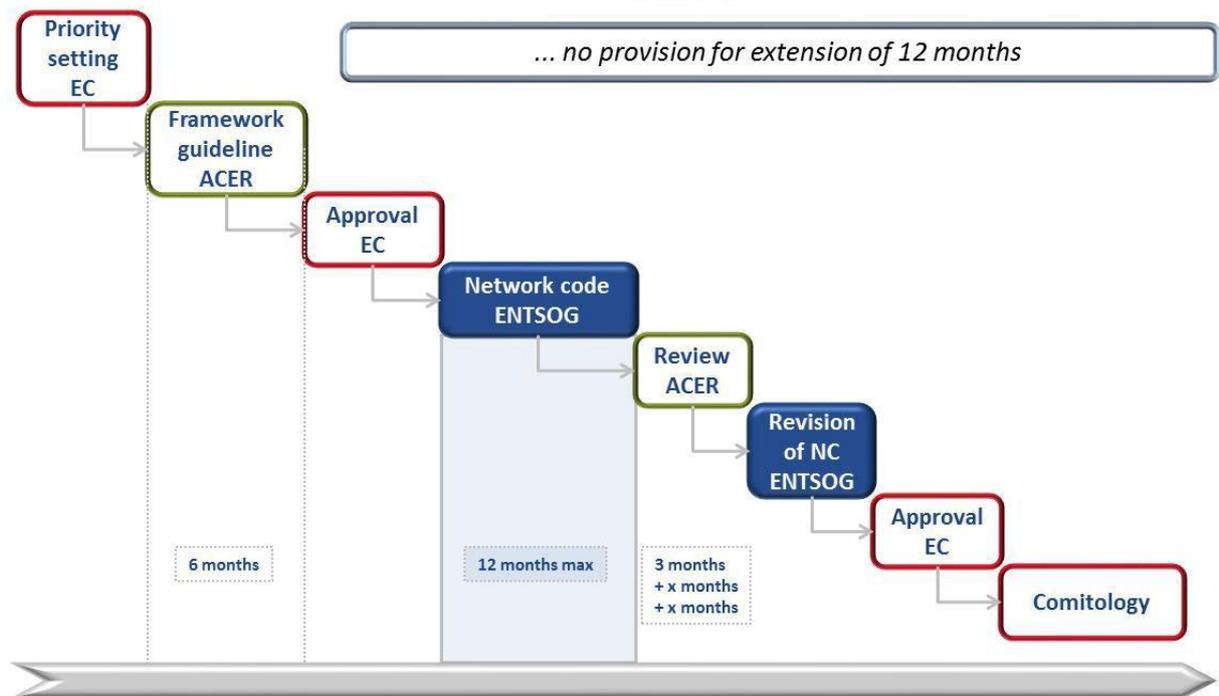
The TSOs' network characteristics and market environment in the different Member States show some similarities but also many variances. These varying national circumstances must be taken into account when developing the TAR NC, weighing the benefits of harmonisation against the costs of changing transmission tariff structures that do not deliver efficient outcomes in the context of genuine system and market needs.

3.2. Interaction with other network codes or guidelines

The TAR NC will be developed taking account of the provisions of Transparency Guidelines, Congestion Management Procedures (CMP) Guidelines and the network codes on Capacity Allocation Mechanisms in Gas Transmission Systems (CAM NC), Gas Balancing of Transmission Networks (BAL NC) and Interoperability and Data Exchange Rules (INT NC). It is assumed that BAL NC and INT NC will be adopted in line with current provisions but any changes to these network codes may have an impact on the development of the TAR NC. In parallel to the development of the TAR NC, the CAM NC will be amended to include provisions for incremental and new capacity. Chapters 2 and 3 of the TAR FG contain sections related to incremental and new capacity. The aforementioned sections cover topics such as the economic test, tariff issues related to incremental capacity and relevant information provisions. While the TAR NC will be developed by ENTSOG's tariff working group, the incremental capacity related sections of the TAR FG will be developed by ENTSOG's incremental capacity group. In terms of project planning, the project phases have been aligned so that consultations can run in parallel and meetings scheduled consecutively. (Please see Appendix B for a table illustrating such alignment). There will be continuous coordination between the development of the TAR NC and the amendment of the CAM NC to ensure consistency where relevant.

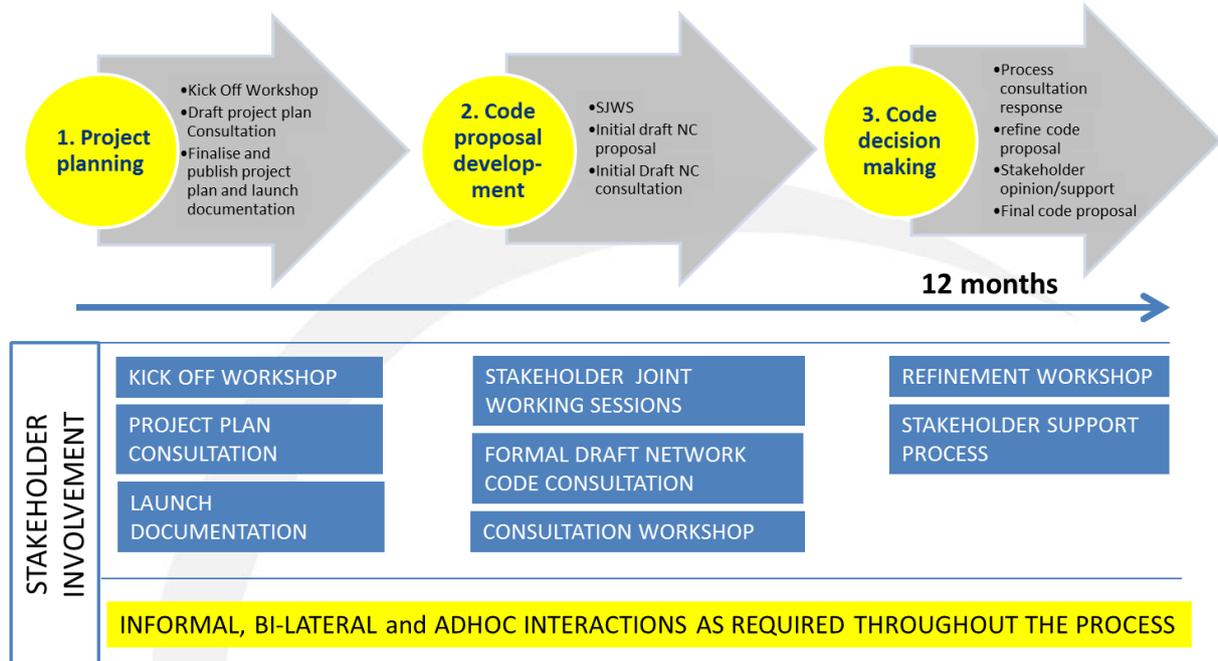
4. Context of the TAR NC Development

The TAR NC development is a vital part of the overall process of delivering binding rules to promote the completion and functioning of the internal market and cross-border trade of natural gas. Below is a graphical overview of the entire process of a network code establishment: (process as foreseen in the regulation).



5. Project Phases

The TAR NC development period is divided into different phases as illustrated below.



It is essential that stakeholders are involved in all phases of the TAR NC development process including:

- Project planning
- The core interactive activity associated with stakeholder involvement before and during the SJWSs and the consultation on the initial draft TAR NC
- The network code decision making process

To allow maximum opportunity to take account of all views when elaborating the TAR NC, stakeholders must be involved early in the development process to ensure that their positions are well understood. Major changes and proposals late in the process will be difficult to accommodate. Accordingly, ENTSOG seeks to create a genuinely collaborative effort early in the process to identify approaches which deliver on the policy objectives but which also attract the broadest support possible among stakeholders.

5.1. Project Plan Development

Feedback from this project plan consultation will enable ENTSG to effectively plan when and how to engage stakeholders later in the process of the TAR NC development.

<u>Planned Start:</u>	30 November 2013
<u>Planned End:</u>	31 January 2014
<u>Main Activities:</u>	Kick-Off Meeting Consultation on the draft project plan Finalisation of the project plan and launch documentation Publication of project plan and launch documentation
<u>Key Deliverables:</u>	Project plan Launch documentation

Stakeholder involvement

The Kick-Off Meeting is intended to provide stakeholders with more clarity on the TAR FG and to explore their early reactions to the TAR NC development process. Stakeholders are encouraged to respond to the draft project plan consultation, indicating their level of involvement in the TAR NC development process, ranging from dedicated and active contribution to an observer status. More information about this is given in section 8 “Stakeholder Involvement”. The consultation questions are included in the draft project plan with instructions for completing the questionnaire online. ENTSG will also look for opportunities to engage with stakeholders in information sessions. This interaction can be either bilaterally or on the basis of meetings for wider stakeholder participation. The time to plan such sessions will be short and can, for this project, only be done on a ‘best efforts’ basis.

5.2. Network Code Proposal Development

This phase is aimed at an intensive interaction with stakeholders to deliver the initial draft TAR NC for consultation and its subsequent refinement.

<u>Planned Start:</u>	1 February 2014
<u>Planned End:</u>	31 July 2014
<u>Main Activities:</u>	Stakeholder engagement through SJWSs Draft the initial draft TAR NC

Consultation on the initial draft TAR NC proposal Consultation Workshop

Key Deliverables: For each SJWS: an invitation, an agenda,
supporting materials and notes
The initial draft TAR NC
Supporting Document

Stakeholder involvement

➤ SJWS

The SJWSs are a special form of stakeholder consultation which enables the exchange and development of the ideas for inclusion in the initial draft TAR NC. During this phase of the TAR NC development, ENTSG envisages wide interaction with all participants. These sessions will be open to all and will be held at regular intervals as specified in section 7 “Activities and Timeline”.

➤ Prime movers

The stakeholders committing to participate most actively in the process shall form a group of Prime Movers who will support ENTSG by interactively discussing the content during the development of the TAR NC. Such interactions are likely to be resource and time intensive, but it is believed that the commitment of, at least, a small but diverse group of stakeholders will be critical to developing robust proposals and therefore assure the success of the project.

➤ Consultation Workshop

Midway through the consultation period, ENTSG will organise a workshop on the initial draft TAR NC. The aim of this workshop is to give an overview of the results from the SJWSs and the rationale behind the initial draft TAR NC. Following this workshop, ENTSG will communicate with any respondent requesting a discussion and may make contact with any respondent where such contact might assist in understanding the consultation responses.

5.3. Network Code Decision Making

This part of the process is aimed at delivering a final TAR NC for submission to ACER.

<u>Planned Start:</u>	1 August 2014
<u>Planned End:</u>	31 December 2014
<u>Main Activities:</u>	Processing of the consultation responses Refinement of the initial draft TAR NC Stakeholder support process Processing of SSP responses and reporting on SSP results Finalisation of the draft TAR NC and the supporting document Submission of TAR NC to ACER with a supporting document
<u>Key Deliverables:</u>	The refined draft TAR NC Report on the results of SSP TAR NC to ACER and supporting document

Stakeholder involvement

ENTSOG will take account of the feedback received from the initial draft TAR NC consultation when drafting the refined TAR NC. ENTSOG will then organise a Refinement Workshop for stakeholders to discuss the potential refinements that ENTSOG is planning to make to the initial draft TAR NC. ENTSOG will ask stakeholders for a final opinion as to whether the proposed network code is an improvement on the status quo.

6. Key Deliverables

During the development of the TAR NC, ENTSOG plans to produce the following deliverables:

Project Plan

- Draft Project Plan for consultation
- Final Project Plan

Launch Documentation

- Initial considerations on the network code

SJWS meetings with stakeholders

- For each SJWS: invitation, agenda, supporting material, minutes and conclusions

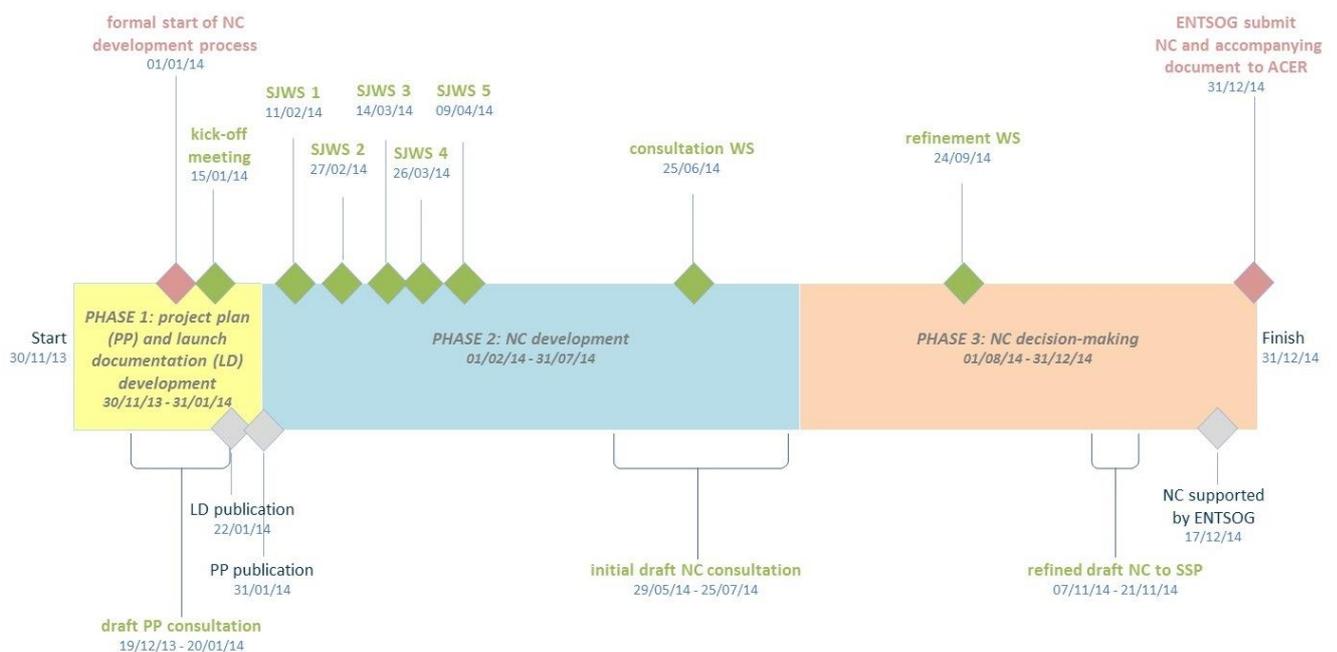
Network code

- Initial draft TAR NC for consultation with a supporting document
- Refined TAR NC following the consultation on the initial draft TAR NC with a supporting document
- Network code on rules regarding the harmonisation of transmission tariff structures for gas to be submitted to ACER with a supporting document

7. Activities and Timelines

The project is based on a 12 month development period with a deadline of December 31st 2014 as set out in the invitation letter from the Commission.

The diagram below illustrates the time schedule for TAR NC development process.



Important Dates for Stakeholders

Activity	Date(s)
Project plan consultation period	19/12/13 – 20/01/14
Kick off workshop	15/01/14
Publication of Launch Documentation	22/01/14
Publication of Final Project Plan	30/01/14
SJWS 1	11/02/14
SJWS 2	27/02/14
SJWS 3	14/03/14
SJWS 4	26/03/14
SJWS 5	09/04/14
Draft TAR NC consultation period	29/05/14 – 25/07/14
Consultation workshop	25/06/14
Refinement workshop	24/09/14
Stakeholder Support Process (SSP) consultation period	07/11/14 – 21/11/14
Submission of the TAR NC to ACER	31/12/14

8. Stakeholder Involvement

Regulation (EC) No 715/2009 requires ENTSG to “conduct an extensive consultation process, at an early stage and in an open and transparent manner, involving all relevant market participants.” ENTSG proposes to go beyond this and invites all stakeholders to indicate their intended level of participation when responding to this consultation document so that ENTSG will be able to manage the logistics of the process. ENTSG therefore identifies four different levels of stakeholder involvement which are detailed in the table below.

Level	Description	Comments
1	Prime Mover	Committed to work on a bilateral basis and dedicate a lot of resources to assist in the formulation and evaluation/refinement of ideas/proposals for SJWS consideration. This commitment is likely to be intensive and involve many days of participation during the intensive phases of the TAR NC development.
2	Active SJWS Participant	Expected to attend all SJWS meetings and to read/review all material prior to the meetings so that the participant is prepared to explore the detail within the SJWS meetings. This commitment is likely to be around three days per month during intensive periods of activity.
3	Consultation Respondent	Expected to respond to ENTSG consultations

4	Observer	Not expected to actively contribute to the development phase or to participate in formal ENTSOG consultations
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SJWS

As detailed in section 7, ENTSOG plans to organise a number SJWSs in which the concepts outlined in scope of this document are discussed thoroughly and further developed for the purpose of elaborating the TAR NC. ENTSOG is scheduled to have five SJWSs. The dates for these sessions and the initial proposed topics for discussion at each SJWS are outlined in the table below:

	Date	Issues
SJWS 1	11 Feb	Cost Allocation, Bundled Capacity, Payable Price, Virtual Interconnection Points (VIPs), Seasonal Factors,
SJWS 2	27 Feb	Interruptible Capacity & Non-physical backhaul, Revenue Recovery, Tariff Setting Year Impact Assessment (IA), Transparency,
SJWS 3	14 Mar	VIPs, Transparency, Cost Allocation, Seasonal Factors,
SJWS 4	26 Mar	Cost Allocation, Tariff Setting Year IA, Interruptible Capacity & Non-physical backhaul, Additional topics
SJWS 5	9 Apr	Additional topics and conclusions

Unless otherwise publically announced, all meetings will be held in Brussels. ENTSOG will inform the participants of the exact venue and will publish the meeting materials in due time prior to such meetings.

ENTSOG recognises the significant challenge associated with the communication and the development of mutual understanding of all participants' positions during the entire twelve-month process of the TAR NC development. ENTSOG will therefore ensure that all stakeholders are kept up to date via direct mailings and/or ENTSOG website updates. All formal meetings will be documented and action logs will be maintained, updated and published as appropriate.

Bi/Multi-lateral meetings

In addition to the planned interactions with stakeholders during the code development, ENTSOG is open to interaction with stakeholders on a bilateral basis, both before and during all phases of the project. This will assist in understanding different approaches with regards to the issues, challenges and opportunities afforded by the development of the TAR NC and will assist in the preparation of the development of concepts for further SJWS or subsequent considerations for the draft TAR NC.

An effective process will require engagement with stakeholders throughout the process, possibly involving either bilateral, or where more practical, multilateral meetings with associations and individual companies.

Press

In line with the SJWS arrangements for other network codes, ENTSOG proposes to exclude press attendance at SJWSs organised for the TAR NC. However, ENTSOG would support a discussion with the press on a frequent basis, to keep them apprised of developments.

9. Document Management

According to this plan and to the Guidelines on Stakeholder Engagement Process, ENTSOG will conduct the project of the TAR NC development in a fully open and transparent manner. Stakeholders' involvement both during the interactive design phase and the consultation phase secures the openness of the process. Other means of assuring an open and transparent process consist of the comprehensive publication of all discussed and developed material throughout the process.

ENTSOG has and will continue to extensively make use of its website to make available all network code relevant material, at the following location:
<http://www.entsog.eu/publications/tariffs>.

The website is structured according to the different phases of the process, all documents remain available at all times, but the most relevant ones at a given point in time are shown first. The following picture illustrates the organisation of a given section and the different documents relating to it, with their corresponding dates (see illustration below).



The screenshot shows the EntsoG website interface. At the top, there is a navigation bar with a menu, the EntsoG logo, and links to the Transparency Platform and Secure Area. Below this is a banner image of large pipes. The main content area is titled 'TARIFFS' and features a list of publications under the heading 'EC & ACER COMMUNICATION TARIFFS'. The list includes several documents with their dates and titles, such as 'Framework Guidelines on rules regarding harmonised transmission tariff structures for gas' dated 29 Nov 2013.

10. Risks

Developing a TAR NC is a complex process. The starting point for it is the TAR FG. Interpretation will be a major issue and ENTISOG will work with those who have written the TAR FG and the EC to ensure a common understanding. Early understanding of those elements that might be conflicting in the TAR FG is needed, to ensure the timely development of the TAR NC.

A second aspect that makes the project a complex one is the number of stakeholders and the different interests of different (groups of) stakeholders, especially in combination with the tight and firm deadline under which the network code has to be developed. Early and thorough engagement of stakeholders is a key measure to mitigate this risk as much as possible.

Therefore, ENTISOG must keep the tight timelines and ask stakeholders to respect these timelines. ENTISOG staff will be open to bilateral discussion of issues that arise and for bilateral explanation of any relevant topics.

11. Consultation Questionnaire

ENTSOG is looking forward to an open and productive working relationship with all stakeholders towards the goal of completing the TAR NC.

In order to ensure the best possible work process, ENTSOG would like to receive stakeholders' feedback on the proposed draft project plan for TAR NC development process. Stakeholders are therefore invited to answer the following questions via an online response form:

1. What do you expect to be your organisations' level of involvement during the TAR NC development (see section 8 for further information)?
 - (a) Prime mover
 - (b) Active SJWS participant
 - (c) Consultation Respondent
 - (d) Observer
2. In your opinion, does the draft project plan for the development of a TAR NC contained in this document provide sufficient basis for quality stakeholder involvement given the timelines within which this project must be delivered? If the response is no, please propose some improvements for consideration.
3. What do you think of the proposed timeline, including the frequency and number of public meetings? Are any changes needed?
4. What do you think of the proposed topics and scheduling for each SJWS? What other topics might be included?
5. Do you think it would be a good idea for there to be live streaming of the SJWSs? Do you have any other suggestions that might enhance this process?

The Consultation questionnaire on the draft project plan should be completed and submitted no later than 10.00am (CET) on 20th of January 2014 via the online consultation response form.

Link for online consultation response form:

<https://www.surveymonkey.com/s/323WJNB>

We look forward to receiving your responses to the consultation and working together during the development of the TAR NC.

12. Appendix A



13. Appendix B

Meeting / Workshop / Consultation	CAM NC Amendment for INC	TAR NC	Project Alignment
Draft Project Plan Consultation Period	19 th December – 20 th January	19 th December – 20 th January	Identical
Kick-Off Meeting	14 th January	15 th January	Consecutive
SJWS 1	10 th February	11 th February	Consecutive
SJWS 2	26 th February	27 th February	Consecutive
SJWS 3	13 th March	14 th March	Consecutive
SWJS 4	25 th March	26 th March	Consecutive
SJWS 5	8 th April	9 th April	Consecutive
Draft Network Code Consultation Period	29 th May – 25 th July	29 th May – 25 th July	Identical
Consultation Workshop	24 th June	25 th June	Consecutive
Refinement Workshop	23 rd September	24 th September	Consecutive
Stakeholder Support Process	7 th November – 21 st November	7 th November – 21 st November	Identical

14. Appendix C

No.	Date	Document Title/Description	Link to Document	Ref.	Issued By
1	19 th Dec'13	Invitation Letter from Commission to ENTSOG	To be completed	ENER.B2/TH/os s(2013)4014383	EC
2	29 th Nov'13	Framework Guidelines on rules regarding harmonised transmission tariff structures for gas	http://www.acer.europa.eu/Official_documents/Acts_of_the_Agency/Framework_Guidelines/Framework%20Guidelines/Framework%20Guidelines%20on%20Harmonised%20Gas%20Transmission%20Tariff%20Structures.pdf	FG-2013-G-01	ACER
3	29 th Nov'13	Decision no. 01/2013 of the Agency for the Cooperation of Energy Regulators for framework guidelines on rules regarding harmonised transmission tariff structures for gas	http://www.acer.europa.eu/Official_documents/Acts_of_the_Agency/Framework_Guidelines/Framework%20Guidelines/ACER%20Decision%2001-2013%20on%20Framework%20Guidelines%20Gas%20Tariffs.pdf	DECISION No. 01/2013	ACER
4	28 th Nov'13	ACER Public Consultation on the Draft Framework Guideline on Harmonised transmission tariff structures (Cost allocation methodologies and Tariffs for incremental capacity) - Evaluation of Responses	http://www.acer.europa.eu/Gas/Framework%20guidelines_and_network%20codes/Documents/EoR_Draft%20Tariff%20FG_final.pdf		ACER
5	23 rd Jul'13	Tariff Methodologies: Examples Illustrating the document Public Consultation on Draft Framework Guidelines on rules regarding harmonised transmission tariff structures for gas	http://www.acer.europa.eu/Official_documents/Public_consultations/Documents/TARIFF_METHODOLOGIES_EXAMPLES.pdf		ACER
6	18 th Jul'13	Revised chapter on Cost Allocation and determination of the reference price of the draft Framework Guidelines on rules regarding harmonised transmission tariff structures – Public Consultation Document	http://www.acer.europa.eu/Official_documents/Public_consultations/Documents/Revised%20chapter.pdf	PC_2013_G_03	ACER
7	10 th Jun'13	Extension of deadline to submit a framework guideline on rules regarding harmonised transmission tariff structures for gas	http://www.acer.europa.eu/Gas/Framework%20guidelines_and_network%20codes/Documents/FG_TAR_2nd_Extension%20of%20deadline_signed%20pdf1.pdf	Ref. Ares(2013)1915066 - 10/06/2013	EC

8	24 th Apr'13	ACER's second letter in response to the EC letter of the 15 th of March 2013	http://www.acer.europa.eu/Gas/Framework%20guidelines_and_network%20codes/Documents/Letter%20Boerchardt_FG%20tariffs_130424.pdf	ACER-AP-DH-ss-2013-479	ACER
9	16 th Apr'13	Draft Framework Guidelines on rules regarding harmonised transmission tariff structures for gas	http://www.acer.europa.eu/Gas/Framework%20guidelines_and_network%20codes/Documents/outcome%20of%20BoR27-5%201_FG-GasTariffs_for_publication_clean.pdf		ACER
10	26 th Mar'13	ACER's first letter in response to the EC letter of the 15 th of March 2013	http://www.acer.europa.eu/Gas/Framework%20guidelines_and_network%20codes/Documents/Letter%20Jan%20Panek_EC_130326.pdf	ACER-AP-ss-2013-395	ACER
11	15 th Mar'13	Framework Guidelines on rules regarding harmonised transmission tariff structures for gas (Letter from EC to ACER requesting additional scope)	http://www.acer.europa.eu/Gas/Framework%20guidelines_and_network%20codes/Documents/FG_TAR_concerns_DG%20ENER%202015032013.pdf	Ref. Ares(2013)355201 - 15/03/2013	EC
12	31 st Jan'13	'4 February 2013 Open House Materials' on Draft Framework Guidelines on rules regarding harmonised transmission tariff structures for gas	http://www.acer.europa.eu/Media/Events/Open_House_Gas_Tariff/Document%20Library/1/4%20February%202013%20Open%20House%20Materials.pdf		ACER
13		ACER Public Consultation on the Draft Framework Guideline on Harmonised transmission tariff structures (for the Draft FG of 16 April 2013) – Evaluation of Responses	http://www.acer.europa.eu/Gas/Framework%20guidelines_and_network%20codes/Documents/EoT_Draft%20Tariff%20FG_16_04_2013_for%20publication_TQ_clean.pdf		ACER
14	4 th Sep'12	Draft Framework Guidelines on rules regarding harmonised transmission tariff structures for gas – Public Consultation Document	http://www.acer.europa.eu/Official_documents/Public_consultations/PC_2012_G_14/PC_2012_G_14_FG_Tariff_Draft.pdf	PC_2012_G_14	ACER
15		ACER Public Consultation on Scope and main policy options for Framework Guidelines on Harmonised transmission tariff Structures - Evaluation of Responses	http://www.acer.europa.eu/Official_documents/Public_consultations/PC_2012_G_14/PC_2012_G_14_ACER%20Public%20Consultation%20on%20Scope%20and%20main%20policy%20options%20for%20Framework%20Guidelines%20on%20Harmonised.pdf		ACER
16	29 th Jun'12	Invitation to start the procedure on a framework guideline on rules regarding harmonised transmission tariff structures for gas	http://www.acer.europa.eu/Gas/Framework%20guidelines_and_network%20codes/Documents/FG_TAR_Invitation.pdf	Ref. Ares(2012)789016 - 29/06/2012	EC