



Brussels, 2 June, 2008

**Press release**

*Public consultation by the CREG (Belgian Commission for Electricity and Gas Regulation) concerning the draft of a new code of conduct regarding access to the natural gas transmission network, the storage facility for natural gas and the LNG facility*

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The CREG is holding a public consultation regarding the draft of a new code of conduct. To this end, it is publishing the draft of the code of conduct on its website in Dutch and French.

Following this public consultation, the draft will be amended where necessary and desirable based on the observations and comments received. A proposal for a Royal Decree on the code of conduct with regard to access to the natural gas transmission network, the storage facility for natural gas and the LNG facility will then be submitted to the Federal Minister for Energy, with application of section 15/5 *undecies juncto* section 15/14, paragraph 2(2) 1° of the Act of 12 April 1965 concerning the transportation of gaseous and other substances by pipeline.

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The publication on 2 May 2003 of the Royal Decree of 4 April 2003 concerning the code of conduct with regard to access to the transmission networks for natural gas was an important step in the liberalisation process of the gas market in Belgium. The rules regarding access to the transmission network were established and the system operator (TSO) was obliged to draw up a number of basic documents (main conditions, network code and indicative programme for transport) and to present these to the CREG for approval.

The objective of the Directive 2003/55/EC of the European Parliament and the Council of 26 June 2003 concerning the common rules for the internal market in natural gas is to achieve a fully operational competitive internal market for natural gas.

In order to transpose the gas directive into Belgian law, the Gas Act was amended by the Act of 1 June 2005. Section 24 of the Act of 1 June 2005 replaced Section 15/5, paragraph 3 of the Gas Act with a Section 15/5 *undecies*.

On 3 November 2005, EC Regulation no. 1775/2005 of the European Parliament and the Council of 28 September 2005, regarding the conditions for access to the natural gas transmission networks was published. This Regulation imposes additional technical rules with regard to third party access services, principles of capacity allocation mechanisms, congestion management procedures and transparency requirements, balancing and the trading of capacity rights.

Taking into account the new legislation and the position of the European Commission, an orientation paper was drawn up prior to writing a new code of conduct, which was presented to the network users for consultation. To this end, the CREG organised a public consultation and a network users'

day with the objective of offering the network users the opportunity to state their views on these documents. The views of the network users were summarised in the consultation report that was submitted to Fluxys for information purposes.

The draft of the new code of conduct was drawn up on the basis of this orientation paper and the consultation report. The draft was established in various phases and was already discussed with the employees of the NV Fluxys on a regular basis.

The CREG believe that the current draft text (version 06) is sufficiently advanced to present to all the network users for consultation.

The draft text consists of two parts:

- Part I contains the definitions that apply indiscriminately to all operators. In addition to the definitions in Chapter 1, the basic rules for the operators (operator-regulator relationship) are detailed in Chapter 2. All definitions regarding access to the transport network (operator-network user relationship) are incorporated into Chapter 3.
- Part II contains the specific definitions for each of the operators individually. Chapter 4 contains the specific rules for transmission. Chapter 5, the specific rules for storage and Chapter 6, the specific rules for LNG.

From the CREG's point of view, the draft text is non-mandatory. Undoubtedly, this text will be subject to amendments, whether that is the result of taking network users' comments into consideration or at the initiative of the CREG after a number of issues have been subjected to further technical/legal testing, or following further assessment of their merits.

The CREG invites network users to submit their observations and comments in writing **before 27 June 2008**. Those who wish to give an oral explanation of their written observations and comments can do so by contacting the CREG directly.

#### **Appendix: Available documents**

Documents are available on the CREG website: [www.creg.be](http://www.creg.be) ('opinions' section)

***The English version is an informal translation. In case of doubt, please consult the Dutch or French version.***

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