



GIE Position Paper regarding the ‘Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on measures to reduce the cost of deploying high-speed electronic communications networks’ from 26 March 2013 – based on Council version from 21 January 2014

1. Who is GIE?

Gas Infrastructure Europe (GIE) is an association representing the sole interest of the infrastructure industry in the natural gas business such as Transmission System Operators, Storage System Operators and LNG Terminal Operators. GIE has currently 68 members in 25 European countries.

One of the objectives of GIE is to voice the views of its Members vis-à-vis the European policy makers. Its mission is to actively contribute to the construction of a single, sustainable and competitive gas market in Europe.

2. In general

GIE is aware of the advanced status of the legislative process. However, the **definition of ‘network operator’ in Article 2 (1) is not clear, which leads to legal uncertainty for Transmission System Operators**. Therefore, GIE members ask for a clearer wording on the scope of the proposal in relation to gas TSOs.

3. Specific issues

GIE supports the position of both Council and Parliament to go for a directive as legal instrument rather than a regulation to better accommodate local circumstances in the Member States.

The current proposal contains several risks for the TSOs relating to security, safety and efficient operation of gas infrastructure as well as the development of gas infrastructure. More specifically, GIE would like to highlight:

1. Physical infrastructure equipped with protection zones and safety zones and coordination of civil works should be excluded from the application of the obligation of access (pursuant to Article 3 and Article 5 of the draft directive). Providing access to physical infrastructure is unacceptable, considering the safe operation of the gas system, protection of critical infrastructure and of the persons’ safety.
2. Regarding Article 4, the TSO is responsible for protection of sensitive information concerning the transmission system, especially in case of gas infrastructure of national or even EU-wide importance. Only the TSO should decide which of this information is safe to be provided to third parties. Therefore, the physical infrastructure located within protection zones should be excluded from the obligation pursuant to Article 4. Regarding the period of making available updates on minimum information, GIE requires a revision of this period to grant more time to provide this information.
3. Any extra cost due to coordination of civil works impacting gas infrastructure (Article 5) should be covered by a complementary remuneration.