DECISION
OF THE PERMANENT HIGH LEVEL GROUP

2026/02/ECS-ENC: AMENDING REGULATION (EC) NO 715/2009 ON CONDITIONS FOR ACCESS TO THE NATURAL GAS TRANSMISSION NETWORKS AS AMENDED AT EU LEVEL BY COMMISSION DECISIONS (EU) 2012/490 OF 24 AUGUST 2012 AND 2015/715 OF 30 APRIL 2015, AS ADAPTED AND ADOPTED BY PERMANENT HIGH LEVEL GROUP DECISION 2018/01/PHLG-ENC OF 12 JANUARY 2018 AND BY MINISTERIAL COUNCIL DECISIONS 2022/01/MC-ENC OF 30 SEPTEMBER 2022, AND 2011/02/MC-ENC OF 6 OCTOBER 2011;

AND

AMENDING COMMISSION REGULATION (EU) 2017/459 OF 16 MARCH 2017 ON ESTABLISHING A NETWORK CODE ON CAPACITY ALLOCATION MECHANISMS IN GAS TRANSMISSION SYSTEMS AND REPEALING REGULATION (EU) 984/2013, AS ADAPTED AND ADOPTED BY PERMANENT HIGH LEVEL GROUP DECISION 2018/06/PHLG-ENC OF 28 NOVEMBER 2018;

AND

AMENDING COMMISSION REGULATION (EU) 703/2015 OF 30 APRIL 2015 ON ESTABLISHING A NETWORK CODE ON INTEROPERABILITY AND DATA EXCHANGE RULES, AS ADAPTED AND ADOPTED BY PERMANENT HIGH LEVEL GROUP DECISION 2018/02/PHLG-ENC OF 12 JANUARY 2018

The Permanent High Level Group of the Energy Community,

Having regard to the Treaty establishing the Energy Community ('the Treaty'), and in particular Articles 24, 25, 53 (d) and 79 thereof,

Having regard to Ministerial Council Decision 2011/02/MC-EnC on the implementation of Directive 2009/72/EC, Directive 2009/73/EC, Regulation (EC) No 714/2009 and Regulation (EC) No 715/2009 and amending Articles 11 and 59 of the y Treaty,

Whereas Articles 27 and 28 of Ministerial Council Decision 2011/02/MC-EnC (Third energy Package) empower the Permanent High-Level Group to adopt Guidelines and Network Codes adopted by the European Commission at EU level as adapted where necessary to the institutional framework of the Energy Community and in accordance with the procedure laid down in Article 79 of the Treaty, including, in the case of Network Codes, after having sought the opinion of the Energy Community Regulatory Board.

Having regard to Procedural Act 2012/01/PHLG-EnC of the Permanent High Level Group and Procedural Act 2012/02/ECRB-EnC of the Energy Community Regulatory Board laying down the rules governing the adoption of Guidelines and Network Codes in the Energy Community,

Recognising the importance of applying the same principles, legal requirements and methodologies for the establishment and operation of integrated gas market between the Member States and the Contracting Parties,

Recognising that the Energy Community should adapt its *acquis communautaire* on energy, including the relevant regulation and network codes, to reflect the need for European Union and Energy Community energy market integration,

Whereas to ensure the effective functioning, transparency and integration of cross-border natural gas markets between Member States and Contracting Parties of the Energy Community, the relevant Union rules on congestion management, capacity allocation, interoperability and data exchange should apply consistently at interconnection points between those systems. Experience has shown that voluntary application at the borders between the Union and the Contracting Parties does not provide sufficient legal certainty. Regulation (EC) No 715/2009, specifically Annex I (Guidelines on Congestion Management); Commission Regulation (EU) 2017/459 (Network Code on Capacity Allocation Mechanisms, 'CAM NC'); Commission Regulation (EU) 703/2015 (Network Code on Interoperability and Data Exchange Rules) should therefore be amended to make their application at interconnection points between Member States and Contracting Parties of the Energy Community mandatory as a general rule.

Whereas Regulation (EC) No 715/2009, Commission Regulation (EU) 2017/459 and Commission Regulation (EU) 703/2015 should be applied, within the territories of the Contracting Parties to entry points from and exit points to one or more Member States of the European Union. The effective application of the relevant provision at such entry and exit points may depend on the legal or technical framework applicable in the Member States of the European Union concerned,

Having regard to the proposal from the European Commission;

Having consulted the Energy Community Regulatory Board;

HAS ADOPTED THIS DECISION:

Article 1

Amending Regulation (EC) No 715/2009 on conditions for access to the natural gas transmission networks as amended by Commission Decision (EU) 2012/490 of 24 August 2012 and Commission Decision (EU) 2015/715 of 30 April 2015, as adapted and adopted by Permanent High Level Group Decision 2018/01/PHLG-EnC of 12 January 2018 and by Ministerial Council Decisions 2022/01/MC-EnC of 30 September 2022, and 2011/02/MC-EnC of 6 October 2011

Annex I, 2.2.1. General Provisions, paragraph 1, first sentence, shall be replaced by:

"The provisions of point 2.2 shall apply to interconnection points between adjacent entry-exit systems, irrespective of whether they are physical or virtual, between two or more Contracting Parties, or within the same Contracting Party in so far as the points are subject to booking procedures by users and subject to the decision of the relevant Contracting Party's national regulatory authority or to entry points from and exit points to one or more Member States of the European Union."

Article 2

Amending Commission Regulation (EU) 2017/459 of 16 March 2017 on establishing a network code on capacity allocation mechanisms in gas transmission systems and repealing Regulation (EU) 984/2013, as adapted and adopted by Permanent High Level Group Decision 2018/06/PHLG-EnC of 28 November 2018

Article 2, paragraph 1, first sentence, shall be replaced by:

"This Regulation shall apply to interconnection points between two or more Contracting Parties or to entry points from and exit points to one or more Member States of the European Union."

Article 3

Amending Regulation (EU) 703/2015 of 30 April 2015 on establishing a network code on interoperability and data exchange rules, as adapted and adopted by Permanent High Level Group Decision 2018/02/PHLG-EnC of 12 January 2018

Article 1, paragraph 2, first sentence, shall be replaced by:

"This Regulation shall apply to interconnection points between to or more Contracting Parties or to entry points from and exit points to one or more Member States of the European Union."

Article 4

Entry into force

This Decision shall enter into force upon its adoption and shall be addressed to the Contracting Parties.

Done in Vienna, on 23 November 2026

Presidency