

## **Public Consultation on Transparency in Gas Markets: Monitoring of compliance by TSOs against the Third Package Gas Transparency Requirements PC\_2012\_G\_11**

### **Background information**

Transparency is a vital element for ensuring effective third party access and the overall functioning of a competitive internal gas market. Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009, on conditions for access to the natural gas transmission networks<sup>1</sup>, includes a number of transparency requirements, going beyond those foreseen in the previous legislation. These requirements are foreseen in Article 18 *“Transparency requirements concerning TSOs”* and set out in further detail in Chapter 3 of Annex 1 of the Regulation, under the title *“Definition of the technical information necessary for network users to gain effective access to the system, the definition of all relevant points and the time schedule according to which information should be published as amended by Decision 2010/685/EU of 10 November 2010”*<sup>2</sup>.

The Agency for the Cooperation of Energy Regulators (ACER) is now examining the level of compliance of TSOs against these gas transparency requirements. An inquiry was opened since November 2011, with the cooperation of National Regulatory Authorities (NRAs) through the Gas Regional Initiatives, and TSOs were asked to provide their own assessment of their level of compliance through Excel questionnaires. In some cases, it has been the NRAs who have assessed the level of compliance of the TSOs with the transparency requirements, pursuant to their competences, according to Art. 41.1 (b) and (i) of Directive 2009/73/EC. The preliminary results of this assessment have been presented in the 21<sup>st</sup> Madrid Forum, on 22 and 23 March 2012.

For the analysis to accurately reflect the level of transparency in the EU countries, this assessment of TSO compliance should ideally be checked and validated by NRAs as well as the market stakeholders, who are the final users of the information published and the best placed to confirm that they have friendly access to the information they need, in terms of content and format as required by Regulation No 715/2009. For this reason, the TSO questionnaire responses from the North-West (NW) and South gas regions have already been submitted to public consultation with stakeholders.

In order to complete this public consultation for the remaining countries, not included in the NW and South gas regions, **we are now seeking stakeholder views on the TSO responses to the transparency questionnaire** from these remaining countries. Annex 2 of this letter includes the list of completed questionnaires received from TSOs and NRAs. ACER asks respondents to review the information and report their conformity or disagreement with the TSOs' assessment and any further remark they consider relevant.

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<sup>1</sup> OJ L 211, 14.8.2009, p. 36

<sup>2</sup> OJ L 293, 11.11.2010, p. 67.