

ANNEX 3

INVITATION LETTER TO PUBLIC CONSULTATION ON 3RD PACKAGE TRANSPARENCY COMPLIANCE



15 March 2012

Dear Stakeholders,

South Gas Regional Initiative – Consultation on Compliance Monitoring of TSOs, LSOs and SSOs against the Third Package gas Transparency Requirements

Transparency is a critical element in ensuring an effective functioning internal European market to overcome the current fragmentation of European gas markets.

Gas Regulation (EC) No 715/2009, effective from 3 March 2011 includes a number of enhanced transparency requirements under Article 18 (“Transparency requirements concerning transmission system operators”), Article 19 (“Transparency requirements concerning storage facilities and LNG facilities”), Article 15 (“Third-party access services concerning storage and LNG facilities”) and under amended Chapter 3 of Annex I to Regulation (EC) No 715/2009 (“Definition of the technical information necessary for network users to gain effective access to the system, the definition of all relevant points for transparency requirements and the information to be published at all relevant points and the time schedule according to which this information shall be published”).

The objective of the South GRI is to:

Monitor compliance of TSOs, LSOs and SSOs against the Transparency requirements outlined under Regulation (EC) No 715/2009.

This project draws on the GRI NW recent monitoring exercise and expands the survey to all gas infrastructure operators in the South region. TSOs, LSOs and SSOs within the SGRI were recently asked to complete a questionnaire and confirm if they publish or not the information required by the Regulation 715/2009.

In order to provide an assessment of the operator’s compliance, we are now seeking stakeholder’ views on the content of the TSOs, LSOs and SSOs’ responses. **ANNEX 2** of this letter includes the list of the questionnaires we received from operators (downloadable in ACER webpage) and a summary table of Preliminary Findings prepared by NRAs in the



South Gas Regional Initiative. Consultation on Third Package Transparency Compliance

South Region. As users of the information published by TSOs, LSOs and SSOs, we ask respondents to review the information. We are also inviting views on whether it is user friendly and published at an appropriate frequency. Some specific questions and details on how to respond can be found in **ANNEX 1** of this letter.

Stakeholder's opinions will provide a valuable assessment of operators compliance with the transparency requirements in Regulation 715/2009, helping authorities to ensure that the legislative requirements are appropriately implemented, in particularly with:

- Quality, consistency, update frequency and availability of the information.
- Information accessibility.
- Information accuracy.

The outcome of this public consultation will feed into conclusions to be prepared by the Regional Coordination Committee of the SGRI.

We would welcome your views by email to abq@cne.es and icb@cne.es by **20 April 2012.**

Your sincerely,

GRI South Regional Coordination Committee



ANNEX 1 - QUESTIONS

Specifically we would welcome your views on the following:

1. What are your views on the overall **quality, consistency, frequency and availability of the information** published by **TSOs, LSOs and SSOs** in order to comply with the Transparency requirements in Gas Regulation EC/715/2009? Are there any areas of improvement?
2. Do you consider the questionnaires responses **accurately reflect the information** that is made publicly available by **TSOs, LSOs, and SSOs** in order to comply with the Transparency requirements in Gas Regulation EC/715/2009? If you consider they do not, please provide specific examples.
3. Is the information that is published by **TSOs, LSOs and SSOs** in order to comply with the Transparency requirements in Gas Regulation EC/715/2009 **user-friendly**? Where you consider the information is not user-friendly, please provide specific examples.
4. Is the information that is published by **TSOs** in order to comply with the Transparency requirements in Gas Regulation EC/715/2009 **available free of charge without subscriptions and free of register for online access**? Where you find it is not available free of charge please provide specific examples.
5. Is the information that is required to be published at all relevant points by the **TSOs** (Annex 1, Chapter 3, Article 3.3 (a-g)) published "**close to real time i.e. as soon as it is available to the system operator**"? If not please provide specific examples.
6. Is the information that is required by the Regulation to be disclosed by the **LSOs and SSOs** published "**in a meaningful, quantifiably clear and easily accessible way and on a non-discriminatory basis**"? If you consider they do not, please provide specific examples.



South Gas Regional Initiative. Consultation on Third Package Transparency Compliance

7. Do you consider the data on the use and availability of services offered by **LSOs and SSOs** are published “**in a time-frame compatible with the facility users’ reasonable commercial needs**”? If you consider they do not please provide specific examples.

HOW TO RESPOND

If you have any comments or questions on this letter or on the TSO, LSO and SSO Transparency questionnaires please contact abg@cne.es and icb@cne.es .

Please, specify the name of the company-operator which your comments are referred to.

We would welcome responses to the questions raised in this letter (or any remaining remarks) **by 20 April 2012**. Unless marked confidential, all responses will be published on ACER’s Regional Initiatives website www.acer.europa.eu

Respondents that wish to have their responses remain confidential, should clearly mark documents to that effect and give the reasons for confidentiality.



ANNEX 2 – SUMMARY TABLE

A summary of the preliminary findings from the operators' responses is provided below.

| Questionnaires from TSOs | |
|---------------------------------|-------------------------------------|
| Country | Transmission System Operator |
| SPAIN | ENAGAS |
| | NATURGAS |
| FRANCE | GRTGaz |
| | TIGF |
| PORTUGAL | REN |

| Questionnaires from LSOs | |
|---------------------------------|----------------------------|
| Country | LNG System Operator |
| SPAIN | ENAGAS |
| | BBG |
| | SAGGAS |
| | REGANOSA |
| FRANCE | ELENGY |
| | STMFC |
| PORTUGAL | REN |

| Questionnaires from SSOs | |
|---------------------------------|--------------------------------|
| Country | Storage System Operator |
| SPAIN | ENAGAS |
| FRANCE | STORENGY |
| | TIGF |
| PORTUGAL | REN |
| | GALP |

KEY:

| | |
|--|---|
| | Yes / Data published |
| | Data published by other market agent (link is available) |
| | Not applicable, forthcoming, or exemption request pending |
| | No / Data not published |
| | No information |



South Gas Regional Initiative. Consultation on Third Package Transparency Compliance

| Art. Annex 1 chapter 3 | TSO Transparency requirement | PORTUGAL | | FRANCE | | SPAIN | |
|-------------------------------------|---|----------|--|--------|------|--------|----------|
| | | REN | | GRT | TIGF | ENAGAS | NATURGAS |
| 3.1.2 Content of publication | | | | | | | |
| 3.1.2 a) | Do you publish a detailed and comprehensive description of the different services offered and their charges? | | | | | | |
| 3.1.2 b) | Do you publish the different types of transportation contracts available for these services? | | | | | | |
| 3.1.2.c) | Do you publish the network code and/or the standard conditions outlining the rights and responsibilities of all network users including: | | | | | | |
| | 1. Harmonised transportation contracts and other relevant documents; | | | | | | |
| | 2. if relevant for access to the system, for all relevant points as defined in paragraph 3.2 of this Annex, a specification of relevant gas quality parameters, including at least the gross calorific value and the Wobbe index, and the liability or costs of conversion for network users in case gas is outside these specifications; | | | | | | |
| | 3. if relevant for access to the system, for all relevant points information on pressure requirements; | | | | | | |
| | 4. the procedure in the event of an interruption of interruptible capacity, including, where applicable, the timing, extent, and ranking of individual interruptions (for example pro-rata or first-come-last-interrupted); | | | | | | |
| 3.1.2 d) | Do you publish the harmonised procedures applied when using the transmission system, including the definition of key terms? | | | | | | |
| 3.1.2.e) | Do you publish provisions on | | | | | | |
| | 1. capacity allocation, | | | | | | |
| | 2. congestion management, | | | | | | |
| | 3. anti-hoarding, and | | | | | | |
| | 4. reutilisation procedures? | | | | | | |
| 3.1.2.f) | Do you publish the rules applicable for capacity trade on the secondary market vis-à-vis the transmission system operator? | | | | | | |
| 3.1.2.g) | Do you publish rules on balancing and methodology for the calculation of imbalance charges? | | | | | | |
| 3.1.2.h) | If applicable, do you publish | | | | | | |
| | the flexibility and tolerance levels included in transportation and other services without separate charge, as well as any flexibility offered in addition to this and the corresponding charges | | | | | | |
| 3.1.2.i) | Do you publish | | | | | | |
| | a detailed description of the gas system of the transmission system operator and its relevant points of interconnection as defined in paragraph 3.2 of this Annex, as well as the names of the operators of the interconnected systems or facilities? | | | | | | |
| 3.1.2.j) | Do you publish the rules applicable for connection to the system operated by the transmission system operator? | | | | | | |



South Gas Regional Initiative. Consultation on Third Package Transparency Compliance

| Art. Annex 1 chapter 3 | TSO Transparency requirement | PORTUGAL | FRANCE | | SPAIN | |
|---|--|----------|--------|------|--------|----------|
| | | REN | GRT | TIGF | ENAGAS | NATURGAS |
| 3.1.2.k) | Do you publish information on emergency mechanisms, as far as it is the responsibility of the transmission system operator, such as measures that can lead to the disconnection of customers groups and other general liability rules that apply to the TSO? | | | | | |
| 3.1.2.l) | Do you publish procedures agreed upon by transmission system operators at interconnection points, of relevance for access of network users to the transmission systems concerned, relating to interoperability of the network, | | | | | |
| | agreed procedures on nomination and matching procedures and | | | | | |
| | other agreed procedures that set out provisions in relation to gas flow allocations and balancing, including the methods used? | | | | | |
| 3.1.2.m) | Do you publish a detailed and comprehensive description of the methodology and process, including information on the parameters employed and the key assumptions, used to calculate the technical capacity? | | | | | |
| 3.1.1. Form of publication: | | | | | | |
| 3.1.1.1. | Do you publish the information referred to under paragraph 3.1.2. in the following manner: | | | | | |
| | (a) on a website accessible to the public, free of charge and without any need to register or otherwise sign on with the TSO; | | | | | |
| | (b) on a regular/rolling basis; the frequency shall be according to the changes that take place and the duration of the service; | | | | | |
| | (c) in a user-friendly manner; | | | | | |
| | (d) in a clear, quantifiable, easily accessible way and on a non-discriminatory basis; | | | | | |
| | (e) in downloadable format that allows for quantitative analyses; | | | | | |
| | (f) in consistent units, in particular kWh (with a combustion reference temperature of 298,15 K) shall be the unit for energy content and m ³ (at 273,15 K and 1,01325 bar) shall be the unit for volume. The constant conversion factor to energy content shall be provided. In addition to the format above, publication in other units is also possible; | | | | | |
| (g) in the official languages of the member State and (g) in English | | | | | | |
| 3.1.1.2. | Do you provide details on actual changes to all information referred to under paragraph 3.1.2 in a timely manner as soon as available to you? | | | | | |
| 3.3 Information to be published at all relevant points and the time schedule according to which this information should be published | | | | | | |
| 3.3.1., 3.3.2. and 3.3.3. | Do you publish at all relevant points the following information for all services and ancillary services provided: | | | | | |
| | (a) the technical capacity for flows in both directions; | | | | | |
| | Is this information published on a numerical basis? | | | | | |
| | Is this information in hourly or daily periods, equal to the smallest reference period? | | | | | |
| | Is this information and updates published as soon as available to you ("near real time")? | | | | | |
| 3.3.2. | Is this information published for a period of at least 18 months ahead? | | | | | |
| 3.3.3. | Do you publish historical information on the technical capacity for flows in both directions for the past five years on a rolling basis? | | | | | |
| | Is information for single final customers and for production facilities, that is excluded from the definition of relevant points as described under 3.2 (1)(a) published in aggregate format at least per balancing zone. The aggregation of single final customers and of production facilities, excluded from the definition of relevant points as described under 3.2 (1)(a), shall for the application of this annex be considered one relevant point. | | | | | |



South Gas Regional Initiative. Consultation on Third Package Transparency Compliance

| Art. Annex 1 chapter 3 | TSO Transparency requirement | PORTUGAL | FRANCE | | SPAIN | |
|--|--|----------|--------|-------|--------|----------|
| | | REN | GRT | TIGF | ENAGAS | NATURGAS |
| 3.3.1., 3.3.2. and 3.3.3. | (b) the total contracted firm and interruptible capacity in both directions | Green | Green | Green | Green | Green |
| | Is this information published on a numerical basis? | Green | Green | Green | Green | Green |
| | Is this information in hourly or daily periods, equal to the smallest reference period? | Green | Green | Green | Green | Green |
| | Is this information and updates published as soon as available to you ("near real time")? | Green | Green | Green | Green | Green |
| | Is this information published for a period of at least 18 months ahead? | Yellow | Green | Green | Green | Green |
| | Do you publish historical information on the total contracted firm and interruptible capacity for flows in both directions for the past five years on a rolling basis? | Red | Green | Green | Green | Green |
| | (c) the nominations and re-nominations in both directions; | | | | | |
| | Is this information published on a numerical basis? | Green | Green | Green | Green | Green |
| | Is this information in hourly or daily periods, equal to the smallest reference period? | Green | Green | Green | Green | Green |
| | Is this information and updates published as soon as available to you ("near real time")? | Green | Green | Green | Green | Green |
| | Do you publish historical information on the nominations and re-nominations in both directions for the past five years on a rolling basis? | Red | Green | Green | Green | Green |
| | (d) the available firm and interruptible capacity in both directions; | | | | | |
| | Is this information published on a numerical basis? | Green | Green | Green | Green | Green |
| | Is this information in hourly or daily periods, equal to the smallest reference period? | Green | Green | Green | Green | Green |
| | Is this information and updates published as soon as available to you ("near real time")? | Green | Green | Green | Green | Green |
| | Is this information published for a period of at least 18 months ahead? | Yellow | Green | Green | Green | Green |
| | Do you publish historical information on the available firm and interruptible capacity in both directions for the past five years on a rolling basis? | Red | Green | Green | Green | Green |
| | (e) actual physical flows; | | | | | |
| | Is this information published on a numerical basis? | Green | Green | Green | Green | Green |
| | Is this information in hourly or daily periods, equal to the smallest reference period? | Green | Green | Green | Green | Green |
| | Is this information and updates published as soon as available to you ("near real time")? | Green | Green | Green | Green | Green |
| | Do you publish historical information on actual physical flows for the past five years on a rolling basis? | Red | Green | Green | Green | Green |
| | (f) planned and actual interruption of interruptible capacity; | | | | | |
| | Is this information published on a numerical basis? | Yellow | Green | Green | Green | Green |
| | Is this information in hourly or daily periods, equal to the smallest reference period? | Yellow | Green | Green | Green | Green |
| | Is this information and updates published as soon as available to you ("near real time")? | Yellow | Green | Green | Green | Green |
| Do you publish historical information on planned and actual interruptions of interruptible capacity for the past five years on a rolling basis? | Yellow | Green | Green | Green | Green | |
| (g) planned and unplanned interruptions to firm services as well as the information on restoration of the firm services (in particular, maintenance of the system and the likely duration of any interruption due to maintenance). | | | | | | |
| Do you publish planned interruptions at least 42 days in advance? | Green | Green | Green | Green | Green | |
| Is this information and updates published as soon as available to you ("near real time")? | Green | Green | Green | Green | Green | |
| Do you publish historical information on planned and unplanned interruptions for the past five years on a rolling basis? | Red | Green | Green | Green | Green | |



South Gas Regional Initiative. Consultation on Third Package Transparency Compliance

| Art. Annex 1 chapter 3 | TSO Transparency requirement | PORTUGAL | FRANCE | | SPAIN | |
|--|--|----------|--------|------|--------|----------|
| | | REN | GRT | TIGF | ENAGAS | NATURGAS |
| 3.3.4. | Do you publish measured values of the gross calorific value or the Wobbe index at all relevant points, on a daily basis? | | | | | |
| | Do you publish preliminary figures at the latest 3 days following the respective gas day? | | | | | |
| 3.3.5. | Do you publish final figures within 3 months after the end of the respective month? | | | | | |
| | Do you publish for all relevant points, available capacities, booked and technical capacities, on an annual basis over all years where capacity is contracted plus 1 year, and at least for the next 10 years. | | | | | |
| | Is this information updated at least every month or more frequently, if new information becomes available? | | | | | |
| 3.1.1.1. | Does the publication reflect the period for which capacity is offered to the market? | | | | | |
| | Do you publish the information referred to under paragraph 3.3(1) to 3.3(5) in the following manner: | | | | | |
| | (a) on a website accessible to the public, free of charge and without any need to register or otherwise sign on with the transmission system operator; | | | | | |
| | (b) on a regular/rolling basis; the frequency shall be according to the changes that take place and the duration of the service; | | | | | |
| | (c) in a user-friendly manner; | | | | | |
| | (d) in a clear, quantifiable, easily accessible way and on a non-discriminatory basis; | | | | | |
| | (e) in downloadable format that allows for quantitative analyses; | | | | | |
| 3.1.1.2. | (f) in consistent units, in particular kWh (with a combustion reference temperature of 298,15 K) shall be the unit for energy content and m ³ (at 273,15 K and 1,01325 bar) shall be the unit for volume. The constant conversion factor to energy content shall be provided. In addition to the format above, publication in other units is also possible; | | | | | |
| | (g) in the official languages of the member State and | | | | | |
| | (g) in English | | | | | |
| 3.1.1.2. | Do you provide details on actual changes to all information referred to under paragraph 3.3(1) to 3.3(5) in a timely manner as soon as available to you? | | | | | |
| 3.4 Information to be published regarding the transmission system and the time schedule according to which this information should be published | | | | | | |
| 3.4.1. | Do you publish on a daily basis and updated every day the following specifications re. the aggregated amounts of capacities offered, and contracted on the secondary market (i.e. sold from one network user to another network user), where the information is available to you: | | | | | |
| | (a) interconnection point where the capacity is sold; | | | | | |
| | (b) type of capacity, i.e. entry, exit, firm, interruptible; | | | | | |
| | (c) quantity and duration of the capacity usage rights; | | | | | |
| | (d) type of sale, e.g. transfer or assignment; | | | | | |
| | (e) the total number of trades/transfers; | | | | | |
| | (f) any other conditions known to the transmission system operator as mentioned in 3.3. | | | | | |
| Is this information provided by a third party? | | | | | | |



South Gas Regional Initiative. Consultation on Third Package Transparency Compliance

| Art. Annex 1 chapter 3 | TSO Transparency requirement | PORTUGAL | FRANCE | | SPAIN | |
|------------------------|--|-------------|--------|-------------|--------|-------------|
| | | REN | GRT | TIGF | ENAGAS | NATURGAS |
| 3.4.2. | Do you publish the following specifications re. harmonised conditions under which capacity transactions (e.g. transfers and assignments) will be accepted: | | | | | |
| | (a) a description of standardised products which can be sold on the secondary market; | Yellow | Green | Green | Green | Green |
| | (b) lead time for the implementation/acceptation/registration of secondary trades. In case of delays the reasons have to be published; | Yellow | Green | Green | Green | Green |
| | (c) the notification to the transmission system operator by the seller or the third party as referred to under 3.4(1) about name of seller and buyer and capacity specifications as outlined in 3.4(1). Is this information provided by a third party? | Yellow | Green | Light Green | Green | White |
| 3.4.3. | Regarding the balancing service of your system, do you provide to each network user, for each balancing period, its specific preliminary imbalance volumes and cost data per individual network user, at the latest 1 month after the end of the balancing period? | Green | Green | Green | Green | Yellow |
| | Do you provide final data of customers supplied according to standardised load profiles within 14 months later? | Yellow | Green | Green | Yellow | Green |
| | Do you respect confidentiality of commercially sensitive information while providing this information? | Green | Green | Green | Green | Green |
| | Is this information provided by a third party? | Light Green | Green | Light Green | Green | Light Green |
| 3.4.4. | Do you offer flexibility services, other than tolerances, for third party access? | Light Green | Green | Yellow | Yellow | Yellow |
| | If you do, do you publish daily forecasts on a day-ahead basis of the maximum amount of flexibility, the booked level of flexibility and the availability of flexibility for the market for the next gas day? | Yellow | Yellow | Yellow | Yellow | Yellow |
| | Do you also publish ex-post information on the aggregate utilisation of every flexibility service at the end of each gas day? | Yellow | Green | Yellow | Yellow | Yellow |
| 3.4.5. | (5) Do you publish, per balancing zone: | | | | | |
| | the amount of gas in the transmission system at the start of each gas day and | Green | Green | Green | Green | Yellow |
| | the forecast of the amount of gas in the transmission system at the end of each gas day? | Green | Green | Green | Green | Yellow |
| | Do you publish the amount of gas in the transmission system on an hourly basis? | Red | Yellow | Yellow | Green | Yellow |
| | Do you update the forecast amount of gas for the end of the gas day on an hourly basis throughout the gas day? | Red | Red | Green | Green | Yellow |
| 3.4.6. | Alternatively, do you publish, per balancing zone | | | | | |
| | the aggregate imbalance position of all users at the start of each balancing period and the forecast of the aggregated imbalance position of all users at the end of each gas day? | Red | Green | Yellow | Yellow | Green |



South Gas Regional Initiative. Consultation on Third Package Transparency Compliance

| Art. | LSO' Transparency requirement | PORTUGAL | FRANCE | | SPAIN | | | |
|---|--|----------|--------|------------|--------|-----|--------|----------|
| | | REN | ELENGY | FOS CAVAOU | ENAGAS | BBG | SAGGAS | REGANOSA |
| 19. Transparency requirements concerning storage facilities and LNG facilities | | | | | | | | |
| 19.1 | Do you publish a detailed information regarding the services you offer? | | | | | | | |
| | Do you publish a detailed information regarding the relevant conditions applied for these services? | | | | | | | |
| | Do you publish the technical information necessary for LNG facility users to gain effective access to the LNG facility? | | | | | | | |
| 19.2 | For the services provided, do you publish information on contracted and available LNG facility capacity on a numerical basis on a regular rolling basis and in user-friendly standardised manner? | | | | | | | |
| 19.3 | Do you disclose the information required by this Regulation in a meaningful, quantifiably clear and easily accessible way and on a non-discriminatory basis? | | | | | | | |
| 19.4 | Do you publish the amount of gas in each storage facility, or group of storage facilities if that corresponds to the way in which the access is offered to system users? | | | | | | | |
| | Do you publish the inflows and outflows, and the available LNG facility capacity, including for those facilities exempted from third-party access? | | | | | | | |
| 19.5 | Is this information communicated to the TSO? | | | | | | | |
| | Is this information updated at least daily? | | | | | | | |
| | Do you publish sufficiently detailed information on tariff derivation, the methodologies and the structure of tariffs for infrastructure under regulated third-party access? | | | | | | | |
| 15. Third-party access services concerning storage and LNG facilities | | | | | | | | |
| 15.1 | c) Do you publish data on the use and availability of services you offer, in a time-frame compatible with the LNG facility users' reasonable commercial needs? | | | | | | | |
| 20. Record keeping by system operators | | | | | | | | |
| | Do you keep at the disposal of the national authority, including the national regulatory authority, the national competition authority and the Commission, all information referred in Article 19 for a period of 5 years? | | | | | | | |



South Gas Regional Initiative. Consultation on Third Package Transparency Compliance

| Art. | SSO' Transparency requirement | PORTUGAL | | FRANCE | | SPAIN |
|---|--|----------|------|----------|------|--------|
| | | REN | GALP | STORENGY | TIGF | ENAGAS |
| 19. Transparency requirements concerning storage facilities and LNG facilities | | | | | | |
| 19.1 | Do you publish a detailed information regarding the services you offer? | | | | | |
| | Do you publish a detailed information regarding the relevant conditions applied for these services? | | | | | |
| | Do you publish the technical information necessary for storage facility users to gain effective access to the storage facility? | | | | | |
| 19.2 | For the services provided, do you publish information on contracted and available storage facility capacity on a numerical basis on a regular rolling basis and in user-friendly standardised manner? | | | | | |
| 19.3 | Do you disclose the information required by this Regulation in a meaningful, quantifiably clear and easily accessible way and on a non-discriminatory basis? | | | | | |
| 19.4 | Do you publish the amount of gas in each storage facility, or group of storage facilities if that corresponds to the way in which the access is offered to system users? | | | | | |
| | Do you publish the inflows and outflows, and the available storage capacity, including for those facilities exempted from third-party access? | | | | | |
| | Is this information communicated to the TSO? Is this information updated at least daily? | | | | | |
| 19.5 | Do you publish sufficiently detailed information on tariff derivation, the methodologies and the structure of tariffs for infrastructure under regulated third-party access? | | | | | |
| 15. Third-party access services concerning storage and LNG facilities | | | | | | |
| 15.1 | c) Do you publish data on the use and availability of services you offer, in a time-frame compatible with the storage facility users' reasonable commercial needs? | | | | | |
| 20. Record keeping by system operators | | | | | | |
| | Do you keep at the disposal of the national authority, including the national regulatory authority, the national competition authority and the Commission, all information referred in Article 19 for a period of 5 years? | | | | | |