



## **SOUTH GAS REGIONAL INITIATIVE**

## **THIRD PACKAGE TRANSPARENCY COMPLIANCE**

Madrid, 05<sup>th</sup> September 2012

**Table of contents**

<b>1. PURPOSE.....</b>	<b>2</b>
<b>2. BACKGROUND .....</b>	<b>2</b>
<b>3. WORK DEVELOPED .....</b>	<b>3</b>
<b>4. QUESTIONNAIRES RECEIVED FROM OPERATORS (TSOS, LSOS AND SSOS).....</b>	<b>5</b>
<b>5. EVALUATION OF COMMENTS RECEIVED FROM STAKEHOLDERS .....</b>	<b>8</b>
<b>6. EVALUATION OF RESPONSES .....</b>	<b>11</b>
<b>7. CONCLUSIONS .....</b>	<b>30</b>

**ANNEX 1. TRANSPARENCY TRAFFIC LIGHT SUMMARY**

**ANNEX 2. QUESTIONNAIRES RECEIVED FROM TSOs, LSOs AND SSOs**

**ANNEX 3. INVITATION LETTER TO PUBLIC CONSULTATION ON 3RD PACKAGE  
TRANSPARENCY COMPLIANCE**

## **1. PURPOSE**

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<sup>rd</sup> 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”
- Article 20: “Record keeping by system operators”
- 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 proposed objective of this project is to:

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

The aim of this monitoring task (the Assessment and the Public Consultation) is to supervise the compliance with transparency requirements in order to detect the difficulties encountered by users of the transmission networks, LNG terminals and storage facilities.

## **2. BACKGROUND**

Market participants need to know where and how to access capacity, the costs involved, what capacity is available at a particular time, what rules apply, etc. They also need information on their own situation for balancing purposes. Asymmetric information leads to distortions in the market and can be a barrier to access.

The 3<sup>rd</sup> Package has reinforced the provisions related to transparency for all infrastructures. In addition, Regulation 715/2009/EC was amended by the EC Decision of 10<sup>th</sup> November 2010, in relation with the provisions on transparency in the Annex I, part 3. Transparency is one of the main priorities for network users to gain effective access to the system. Regulators must supervise that the requirements of the 3<sup>rd</sup> Package are followed in the three countries by all infrastructure operators, including underground storage and LNG terminals. The final goal on transparency for 2014, in the region, would be achieving full implementation of the transparency requirements in Regulation 715/2009/EC by all TSOs, LSOs and SSOs.

In the South Gas Region Initiative, the SGRI Work Plan 2011-2014 (updated 28 February 2012) establishes the Implementation of the 3<sup>rd</sup> Package as a priority of work in the Region.

Project / Activity	Starting date foreseen in the WP	Deadline foreseen in the WP
Supervision of compliance with the implementation of the new provisions on transparency in Regulation 715/2009/CE, for transmission, LNG and storage infrastructure operators	Sep. 2011	Jun. 2012

The specific actions in this area are described in this Report.

### 3. WORK DEVELOPED

Following North West Gas Regional Initiative example and to complement the assessment done in earlier years in the South GRI (supervision of transparency requirements published in operators websites) all TSOs, LSOs and SSOs in the South Region were invited to provide information about their compliance with Regulation provisions, and later on stakeholders were encouraged to give their opinion on the level of compliance.

The action plan has consisted in:

- Elaborate questionnaires to check compliance.
- Send an e-mail to all operators in the Region inviting them to fill in the questionnaires.
- Preliminary assessment of operators' compliance.
- Publish the results of the inquiry on ACER webpage.
- Submit the answers to the questionnaires to Public Consultation inviting stakeholders to react on the results, collecting their opinion on the information provided by all operators in the South Region.
- Publish the conclusions.

The following key steps were defined in the Project Plan developed by the Regulators in the Region (see figure 1). Also, the work carried out in every step is shown in the same figure.

**Figure 1. Work developed according the Transparency Project Plan in the Region.**

Key steps	Responsible	Deadline foreseen in the Project Plan	Work developed
Agree information template	NRAs	Nov 2011	Regulators of the 3 countries agree the content of the questionnaires to be sent to operators (transparency requirements are the basis to elaborate the questions)
Template to be filled in by TSOs, LSOs, SSOs	TSOs, LSOs, SSOs	15 Jan 2012	Questionnaires sent to all operators in the Region - 2 Dec 2011
			Deadline to answer: 15 Jan 2012
			Mail reminder sent 16 Jan 2012
			Project presented in 18 <sup>th</sup> IG Meeting – 16 Dec 2011
SGRI to assess/ clarify and consolidate responses	NRAs	31 Jan 2012	Preliminary assessment made by NRAs
			Regulators contact operators to clarify misunderstanding
Publish preliminary report and invite stakeholders to comment on the responses	NRAs/ stakeholders	Feb 2012	Preliminary assessment presented in 15 <sup>th</sup> SG Meeting – 07 <sup>th</sup> Feb 2012
			Preliminary Findings presented by ACER in Madrid Forum – 21 March 2012
			Preliminary assessment presented in 19 <sup>th</sup> IG Meeting – 28 March 2012
			Public Consultation launched in ACER website –in March and April (deadline extended until June 2012)

Publish conclusions	NRAs	Mar 2012	Preliminary Results of the Public Consultation presented in 16 <sup>th</sup> SG Meeting – 31 May 2012
			Reminder sent in order to encourage stakeholders to participate in PC – 01 Jun 2012

Source: NRAs.

#### 4. QUESTIONNAIRES RECEIVED FROM OPERATORS (TSOs, LSOs and SSOs)

All operators in the Region have filled in the questionnaires (see Annex 2). Following their answers, the Regulators have designed a summary to better understand and facilitate stakeholders views (see Annex 1).

The list of the agents answering, TSOs, LSOs and SSOs in the three countries, is shown below.



Figure 2. List of the operators in the South Gas Region Initiative.

Questionnaires from TSOs	
Country	Transmission System Operator
SPAIN	ENAGAS
	NATURGAS
FRANCE	GRTgaz
	TIGF
PORTUGAL	REN Gasodutos

Questionnaires from LSOs	
Country	LNG System Operator
SPAIN	ENAGAS
	BBG
	SAGGAS
	REGANOSA

<b>FRANCE</b>	<b>ELENGY</b>
	<b>FOSMAX LNG</b>
<b>PORTUGAL</b>	<b>REN Atlântico</b>

<b>Questionnaires from SSOs</b>	
<b>Country</b>	<b>Storage System Operator</b>
<b>SPAIN</b>	<b>ENAGAS</b>
<b>FRANCE</b>	<b>STORENGY</b>
	<b>TIGF</b>
<b>PORTUGAL</b>	<b>REN Armazenagem</b>
	<b>Transgás Armazenagem (Grupo GALP)</b>

**a) Transmission system operators**

The TSOs self-assessment reveals, in general, a high level of compliance with Regulation (EC) No 715/2009, in particular in the case of information on:

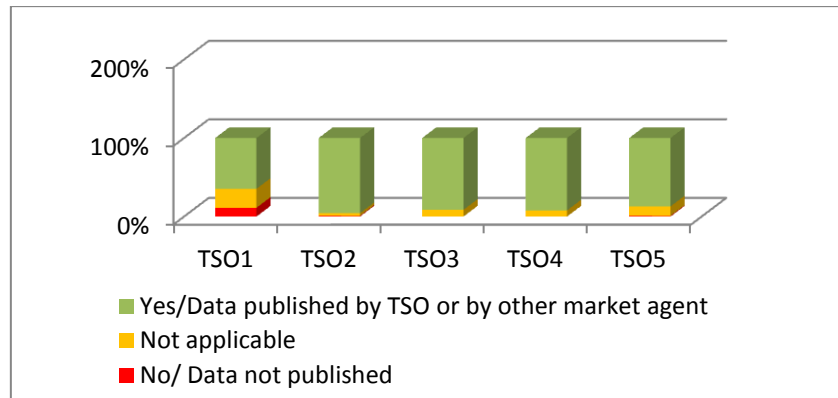
- Gas system description.
- Service description and contracting process.
- Applicable CAM and CMP.
- Nomination and matching procedures.
- Balancing rules and imbalance charges.
- Secondary markets.

However, there is some room for improvement on:

- More clarity on services' prices.
- Flexibility and tolerances levels.
- Participation in secondary markets.
- Historical data.
- Form of publication (English, units, etc.)
- Some information is not published directly by the TSOs but by other market agents and sometimes is not easy to find. This is simple to overcome with links in the TSO website.
- Compliance with some obligations requires the modification of national legislation. This specifically refers to the need to publish data in units that use a combustion temperature of reference of 298,15 K. The change of reference temperature would have a considerable impact on other national processes (i.e., measurement processes, invoicing, etc.), so it must be analysed very carefully. The requirement has been fulfilled, once a conversion factor has been provided.

On average, 85% of requirements have been met. Three out of five TSOs reach more than 90% and the lowest meets about 60% of the requirements.

**Figure 3. Level of compliance (%) with the transparency requirements from TSOs.**



Source: NRAs from TSOs' questionnaires.

#### **b) LNG system operators**

The LSOs self-assessment reveals, in general, a high level of compliance with Regulation (EC) No 715/2009, in particular in the case of information on:

- Service description.
- Contracted and available storage facility capacity.
- Use and availability of third-party access services.
- Form of publication.

There is some room for improvement on:

- Data related to amount of gas, inflows, outflows, available storage capacity and tariffs being published by other market agents.
- There are different criteria among LSOs about some transparency requirements (i.e., requirements that are considered "not applicable").
- There's information not published directly by the LSOs but by TSOs or/and other operator.

Consequently, according to LSOs' questionnaires and taking into account that some questions are answered providing the relevant link to the market operator web, where information is published, 100% of requirements have been met.

#### **c) Storage infrastructure operators**

In the same way, SSOs self-assessment reveals, in general, a high level of compliance with Regulation (EC) No 715/2009, in particular in the case of information on:



- Service description.
- Contracted and available storage facility capacity.
- Use and availability of third-party access services.
- Form of publication.

There is some room for improvement on:

- There are different criteria among SSOs about some transparency requirements (i.e., requirements that are considered “not applicable”).
- There’s information not published directly by the SSOs but by TSO.

As a result, 100% of requirements have been met taking into account that some requirements are complied providing, in SSO web, the relevant link to the market operator web, where information is published.

## **5. EVALUATION OF COMMENTS RECEIVED FROM STAKEHOLDERS**

Stakeholders opinion have provided a valuable assessment of operators compliance with the transparency requirements in Regulation 715/2009/CE, helping authorities to ensure that the legislative requirements are appropriately implemented, in particularly with:

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

Public Consultation was launched on ACER website in March 2012 and April (first deadline). An invitation letter (see ANNEX 3), a summary table of Preliminary Findings prepared by NRAs (see ANNEX 1) and the questionnaires received from operators in the Region (see ANNEX 2) were uploaded.

There has been little participation, so Regulators decided to extend the Public hearing by June 2012.

Throughout this period, only five answers have been received from stakeholders in the Region: one TSO, three shippers/suppliers and one industry association. Two of the participants ask for their opinions remaining confidential; there have been no answers from the French side.

The lack of answers could be understood as a measure that there is no real problem regarding transparency in the Region.

Some specific questions and details on how to respond were raised following the invitation letter. The summary of the views received are shown hereunder.

**Question 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?

- One participant considers that, in a number of cases, regulatory requirements have not been met, or information has been provided with delay, or in an inconsistent and complex manner (examples are not provided).
- There is need to disclose information in English from one TSO.
- One operator thinks that, since the questionnaire is complex, different criteria could be used to answer some questions for the different operators, influencing the level of compliance (they must include explanations and comments)
- Two agents consider that the links are often not specific enough regarding to the information they provide, and in some cases are referred to websites of third parties.
- One operator would have welcomed the inclusion of a reply as a “partially compliant”.

**Question 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.

- One operator considers that the conclusion presented with percentages of positive and negative answers is not reflecting the accurate level of compliance. The reasons given are:
  - implicit subjectivity on the TSOs, LSOs and SSOs criteria
  - many answer are conditioned by the existing regulatory framework in the Member State: daily and not hourly flow nominations, a daily balancing regime, implicit UIOLI...
- One user says:
  - most TSOs’ answers accurately reflect the public information
  - some LSOs provide links to general information
  - one SSO questionnaire is filled out with links to NRA website.

**Question 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.

- One participant expresses that the degree of user-friendliness of websites and platforms differs considerably – propose standardisation between formats used by TSOs.
- Two agents consider that information published by one operator is difficult to access and to find relevant information (lack of advanced information, information failures, lack of historical information and useless information formats).

**Question 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.

- Two participants answered that no registration or charge is required in order to access public information from all operators websites.

**Question 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.

- One stakeholder considers it is difficult to assess from TSOs websites if they are providing the information as close to real time as possible. TSOs have access to more frequent data (more than daily) in order to operate their networks efficiently and safely. Encourage regulators to work for fully understanding the TSOs within-day information availability.

**Question 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.

- One operator underlines that two LSOs have already implemented the Transparency Platform, but some information (availability of slots for ship unloading operations) is difficult to obtain from some LSOs.
- One user answers that several LSOs are providing links to too general and extensive information, being difficult to find quickly the information needed.
- Two stakeholders say that most SSOs publish information in a clear and easily accessible way, even when improvements would be welcome in particular cases.

**Question 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.

- One operator says that regulatory frameworks vary in each Member State as well as the maturity of market, level of services provided (tolerance, flexibility services), interest of groups of stakeholders...

Furthermore, all participants welcome the public consultation on compliance monitoring of TSOs, LSOs and SSOs against the Third Package gas Transparency Requirements launched by SGRI. They support all the improvements and works to be done in order that the real internal gas market becomes a reality, as soon as possible.

## **6. EVALUATION OF RESPONSES**

NRAs have checked the self-assessment made by the operators in the Region, that have completed the questionnaires designed by the regulators based on the list of the transparency requirements of Regulation (EC) No 715/2009. Seventeen questionnaires have been analysed.

Regulators have needed to clarify some answers and misunderstandings. Afterwards, the preliminary findings and all questionnaires have been submitted to public consultation among stakeholders.

For granting access to relevant national gas system, based on transparent and no discriminatory principles, the Regulation obliges operators not only to publish detailed information on their services and facilities but also to make it public in a specific way. The assessment has included the supervision of all requirements.

The final conclusions have been drawn taken into account the comments received in public hearing, even when only five agents have participated.

In relation to French operators, the compliance has been supervised only from the regulators perspective, because no comments from stakeholders were received.

The study has been structured evaluating the three kinds of operators in every country. Firstly, requirements that are better implemented by the operators have been underlined. Afterwards, provisions that need improvements have been analysed independently. The description is illustrated by figures.

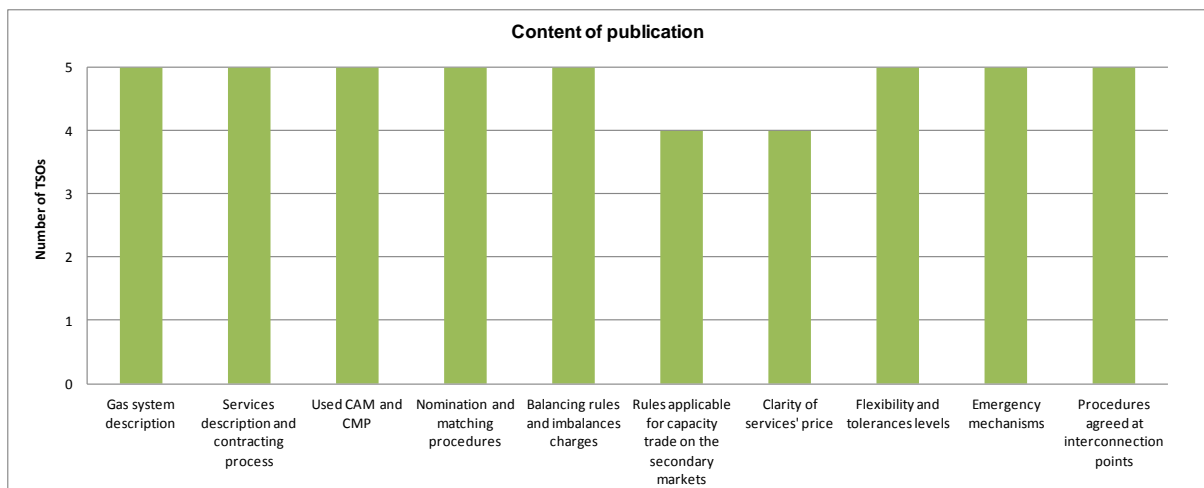
The figures hereafter show the assessment done by Regulators taking into consideration the comments received from stakeholders during the Public Consultation.

### **6.1. EVALUATION OF TSOs RESPONSES**

In general, the TSOs show a high **level of compliance with transparency requirements**, in particular those referred to publishing information about (See Figure 4):

- Gas system description.
- Services description and contracting process.
- Nomination and matching procedures.
- Balancing rules and imbalance charges.
- Flexibility and tolerance levels.
- Emergency mechanisms.
- Procedures agree at interconnection points.

**Figure 4. TSOs complying with the provisions set out in Art. 3.1.2, Chapter 3, Annex 1 of Regulation (EC) No 715/2009.**



The Regulation No 715/2009 sets out the 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 assessment of the compliance of these requirements is shown in Figures 5, 6 and 7.

The publication of historical data is not yet satisfactory because the relevant collection tools have only been implemented very recently by one/some operator/s.

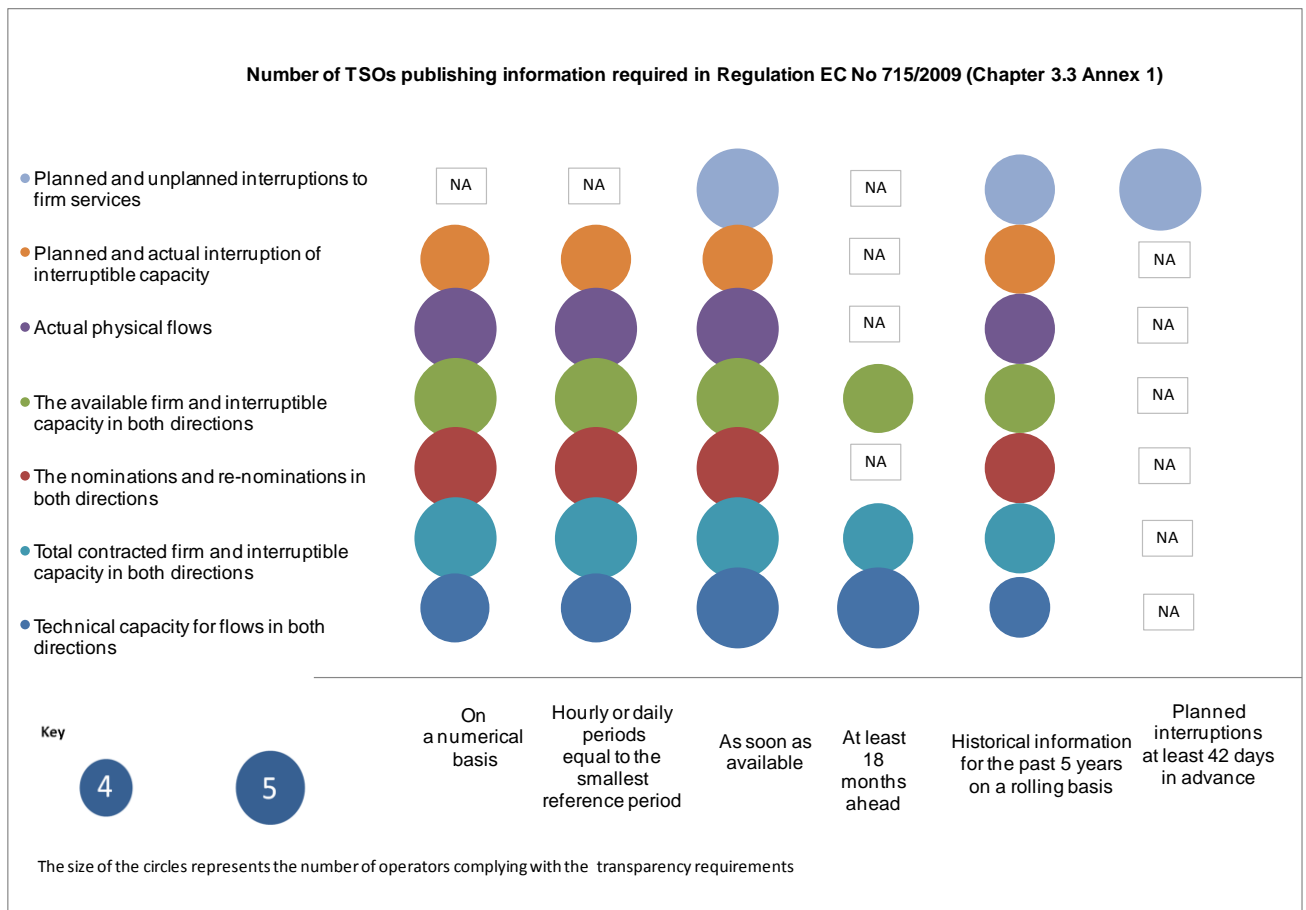
On the other hand, publishing data in advance is considered as not needed by one TSO when is obligatory (referred to available and contracted firm and interruptible capacity at least 18 months ahead). The reason is related to its national time frame (set annual).

In the case of planned and actual interruption of interruptible capacity, Portuguese TSO considers the pertinent provisions as not applicable because interruptible capacity is not available on its market.

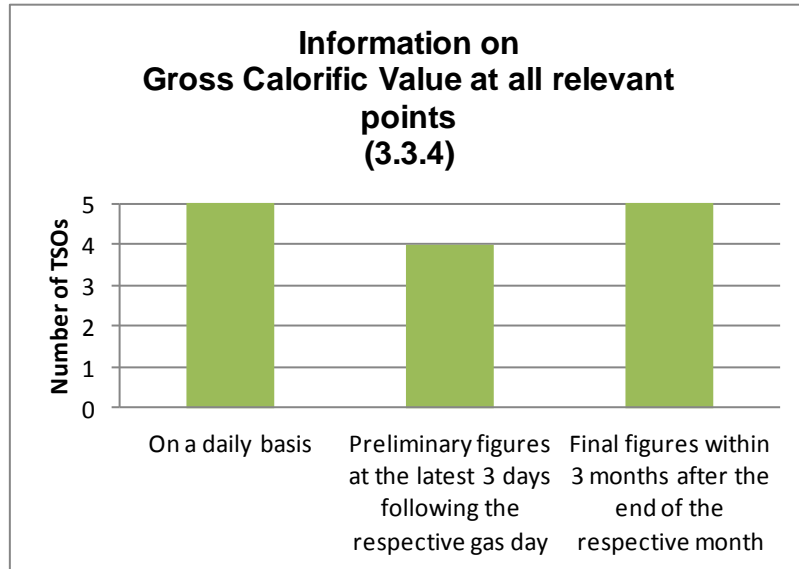
Figure 6 illustrates the number of TSOs that publish measured values of the gross calorific value or the Wobbe index at all relevant points. Only one operator does not make the preliminary figure public, at the latest 3 days following the respective gas day.

In relation to the available, booked and technical capacities, data must be published under specific conditions (see Figure 7). All TSOs in the Region act in accordance with these provisions.

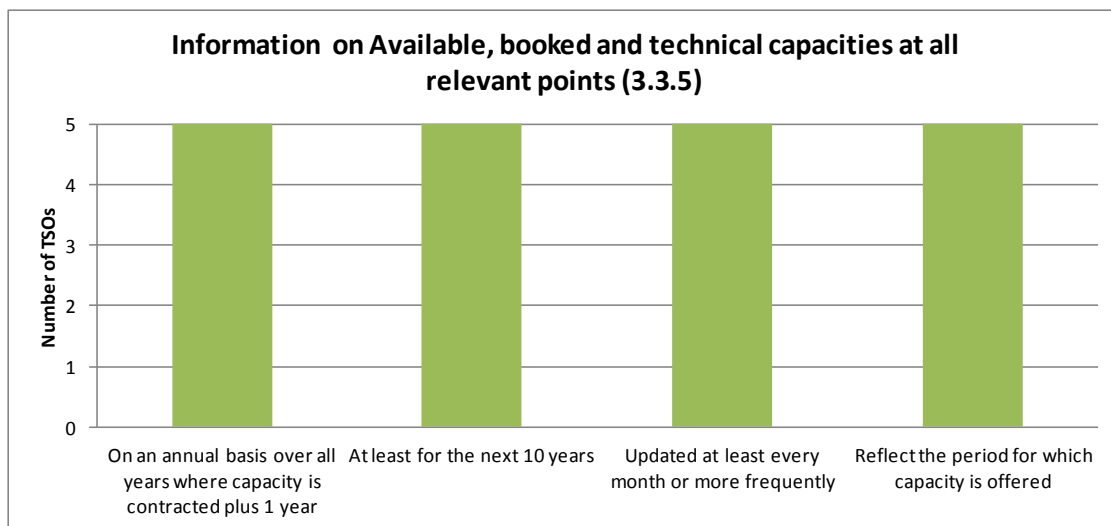
**Figure 5. TSOs complying with the Information to be published at all relevant points and the time schedule required in Chapter 3.3 Annex 1 of Regulation (EC) No 715/2009.**



**Figure 6. TSOs complying with the provisions set out in Art. 3.3.4 in Annex 1 of Regulation (EC) No 715/2009.**



**Figure 7. TSOs complying with the provisions set out in Art. 3.3.5 in Annex 1 of Regulation (EC) No 715/2009.**



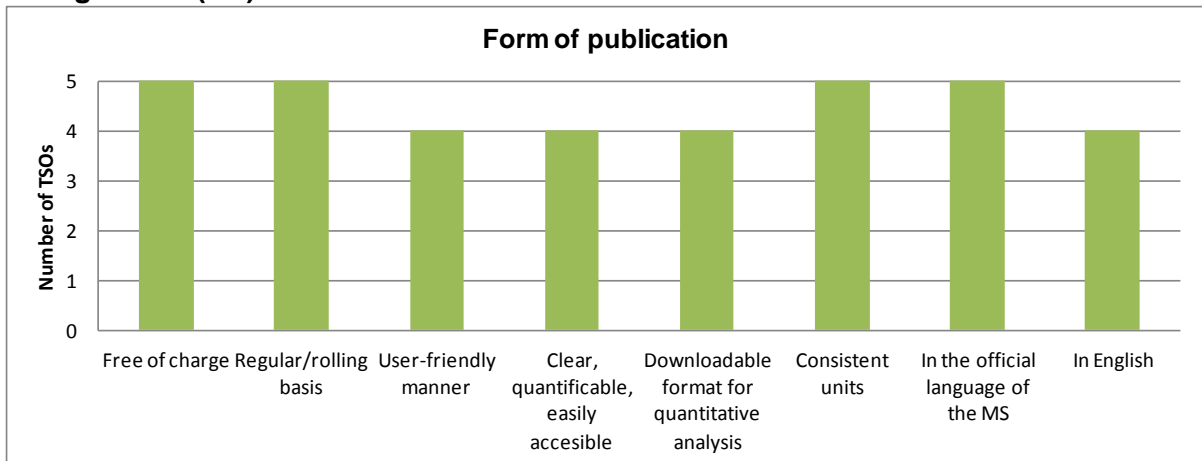
Regarding the **form of disclosing the information** (Figure 8), all operators do provide the information referred to under paragraph 3.1.2 and 3.3.(1) to 3.3.(5) in the following manner:

- on a web site accessible to the public,
- free of charge and without any need to register,

- on a regular/rolling basis and
- in the official language of the Member State.

However, other requirements relating to format are not fulfilled by all operators as it is described below.

**Figure 8. TSOs complying with the provisions set out in Art. 3.1.1 Chapter 3 Annex 1 of Regulation (EC) No 715/2009.**

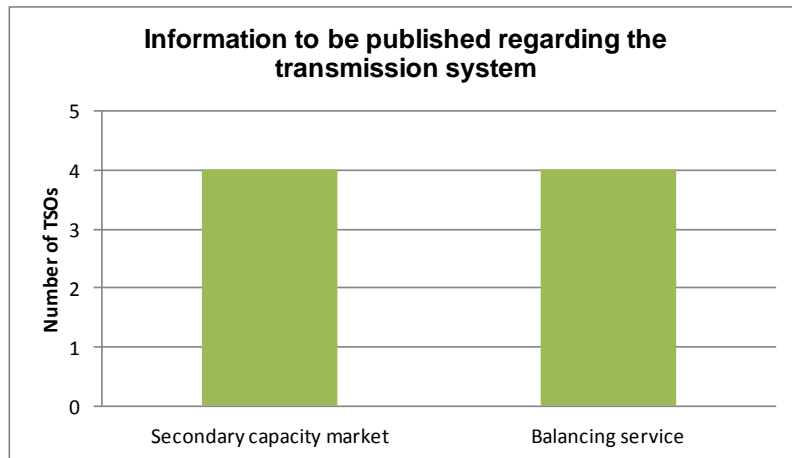


Finally, the information regarding the transmission system and the time schedule according to which this information should be published are laid down in Article 3.4, in Annex 1 of Regulation (see Figures 9 and 10).

One operator is not publishing information on secondary capacity market for the reason that secondary capacity market does not exist in its country (i.e. Portugal).

**Figure 9. TSOs complying with the provisions set out in Art. 3.4.1, 3.4.2 and 3.4.3 Chapter 3 Annex 1 of Regulation (EC) No 715/2009.** Information on aggregated amounts of capacities offered and contracted on the secondary market, harmonised conditions under which capacity transactions are accepted and information regarding the balancing service (preliminary imbalance volumes and cost data, at the latest 1 month after the end of the balancing period)



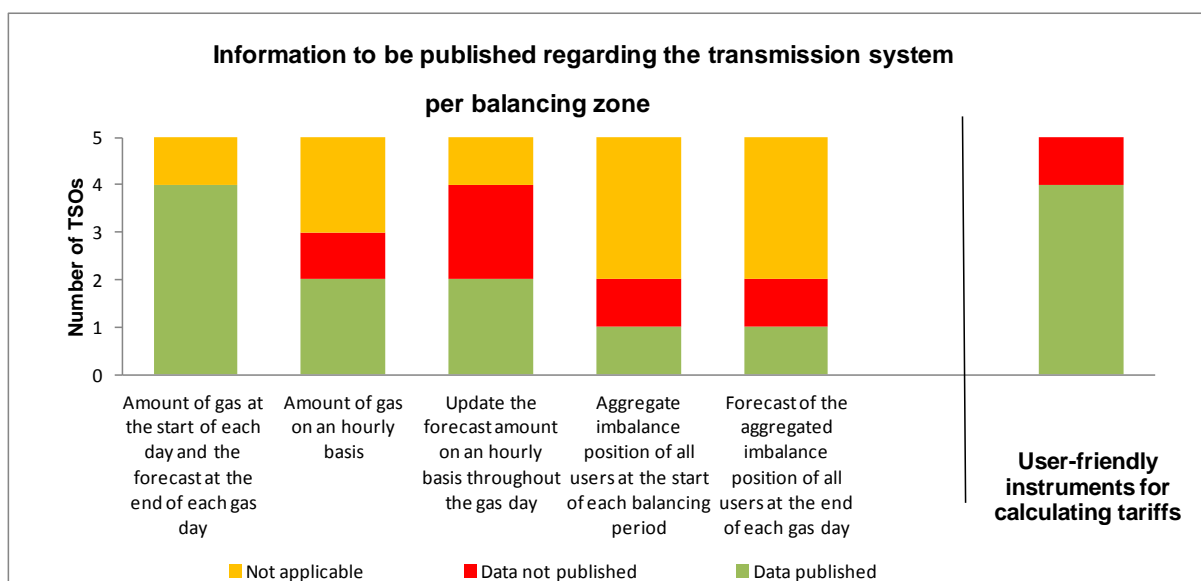


In relation to this information, TSOs are asked if they offer flexibility services, other than tolerances for third party access (in Article 3.4.4). This requirement is not mandatory. Only one TSO reports on the offer of this service and made it public in the established manner.

The same Article, point 3.4.5 obliges TSOs to publish information per balancing zone (see Figure 10).

To conclude, the operators are asked if they provide user-friendly instruments for calculating tariffs (following Article 3.4.6). All operators in the Region have implemented such instrument with the exception of one TSO.

**Figure 10. TSOs complying with the provisions set out in Art. 3.4.5 and 3.4.6 Chapter 3 Annex 1 of Regulation (EC) No 715/2009.**



## **ENAGAS**

**ENAGAS complies with the transparency requirements illustrated above and also with those referred to publishing information on:**

- Clarity of services price.
- Secondary markets.
- User-friendly instrument for calculating tariffs.
- Historical data.
- Flexibility and tolerance levels.
- Information in advance.

Regarding the **form of disclosing the information**, the Spanish operator complies with the relevant requirements.

However, regarding the need to publish data in consistent units, in particular units that use a combustion temperature of reference of 298,15 K, this requirement has been complied with a conversion factor provided in ENAGAS website.

## **GRTgaz**

**Adding to the compliance with requirements pointed out above, GRTgaz complies with the following transparency requirements:**

- Secondary markets.
- Clarity of services price.
- Flexibility and tolerance levels.
- Flexibility services, other than tolerances. GRTGaz explains that specific intraday flexibility service is specially designed for “highly-modulated” sites. This service is new and has begun the 1st of April, 2011. GRTgaz currently offers a flexibility service that is only available for highly modulated customers. This service does not require any booking from the user. Every highly modulated customer has to declare his hourly profile the day ahead, and GRTgaz will answer if this profile is allowed or not, before 8.30 pm.

After CRE’s deliberation of 24th March 2011, GRTgaz will at least have to publish:

1. Indicators on the feasibility of hourly programs for the highly modulated sites three days ahead

2. The reduction percentage of hourly programs for the functioning of highly modulated sites for days where reduction is available
3. Notification lead times.

- User-friendly instrument for calculating tariffs.
- Information in advance. They publish planned interruptions 60 days in advance (at least 42 days is set out).

Regarding the **form of disclosing the information**, the French operator complies with the pertinent provisions.

The supervision reveals that there is **room for improvement** in data published on:

- Historical data. GRTGaz explains that it will be the case when information on technical capacity for flows in both directions for the past five years on a rolling basis reaches this timing. This means that some information is available from January 1st, 2007, other from January 1st 2009 or 2010, depending on the relevant points.
- Information to be published per balancing zone. GRTGaz does not update the forecast amount of gas for the end of the gas day on an hourly basis throughout the gas day. To this respect, they explain that at the end of the year, they should be able to publish a new indicator to network users about the imbalance they forecast at the end of the gas day.

### **NATURGAS**

**NATURGAS complies with the transparency requirements illustrated above and also with those referred to publishing information on:**

- Clarity of services price.
- Secondary markets.
- User-friendly instrument for calculating tariffs.
- Historical data.
- Flexibility and tolerance levels.
- Information in advance.

Regarding the **form of disclosing the information**, NATURGAS complies with the relevant requirements.

Nevertheless, **it is necessary to improve** publication on:

- Historical data. NATURGAS answers that available historical data are referring to 2008 and is still working to achieve this goal by 2013 (5 years of historical information will be available).
- Gross calorific value. This Spanish operator does not publish preliminary figures of the gross calorific value at the latest 3 days following the respective gas day.
- Information to be published regarding the balancing service and per balancing zone. NATURGAS considers that they are not obliged to publish this information because the Spanish System is a single balancing zone and responsibility on balancing is established by regulation on the Technical System Manager.

The need to publish data in consistent units, in particular units that use a combustion temperature of reference of 298,15 has been complied with a conversion factor provided in NATURGAS website.

Currently NATURGAS is implementing the requirement that obliges to provide details on actual changes to all information (referred to under paragraph 3.1.2) in a timely manner as soon as available.

### **REN Gasodutos**

In Portugal, the National Natural Gas Transmission Network (RNTGN) is operated by REN.

The supervision reveals that there is **room for improvement** in data published on:

- Applicable CAM and CMP. REN considers that these requirements are issued by the NRA, therefore copies (in Portuguese) are published on its website.
- Service description and contracting process. Regarding the different types of transportation contracts available for the services offered, REN publishes a copy of the general terms of the transportation contracts that are published by the Portuguese NRA.

In relation to the service of interruption of interruptible capacity, this requirement is not applicable to Portuguese TSO, because there is no interruptible capacity in Portugal.

- Participation in secondary markets: there is no secondary capacity market in force in Portugal.
- Historical data. The information on technical capacity for flows in both directions is required to be published for the past five years on a rolling basis. The TSO considers the information will not be available before 2016.
- Information in advance. When the information is required to be published for a period of at least 18 months ahead (available and contracted firm and interruptible capacity), Portuguese TSO answers that the earliest scheduling process set by the NRA is the

annual time frame, starting on the 1st of July and ending on the 30th June, period for which technical capacity values are published in April.

- Information per balancing zone. Portuguese TSO publishes the amount of gas in the transmission system at the start of each gas day and the forecast of the amount of gas at the end of each gas day. However, they do not make it public on an hourly basis, as required (they consider that current TPA rules in place for the Portuguese gas transmission system do not require the publication of hourly information).

Also, they consider that shippers keep their gas balance within the assigned tolerance limits at the end of the gas day based on the relevant data published on a daily basis, which has proved to be adequate for the current maturity and requirements of the Portuguese gas system. The line pack management during the gas day is performed by the TSO in conjunction with the adjustment of the LNG terminal's send-out profile and UGS's capacity availability, in respect with its total aggregated daily nominations.

Currently REN does not publish either the aggregated imbalance position or a forecast of the aggregated imbalance position of the transmission system, but each shipper receives detailed information about its individual balancing position on a daily basis. This procedure comes as a result of the existing rules and so far is in line with the current TPA requirements of the Portuguese gas system.

- User-friendly instrument for calculating tariffs. REN has not implemented an instrument to calculate tariffs.

Regarding the **form of publication**, the publication in English is the key priority for facilitating the access of third parts.

In this respect, REN doesn't publish all the required information in English. This point has been underlined by three stakeholders.

According to the comments received from stakeholders, REN website forwards to multiple and long texts on the information related to procedures, methodology, regulatory framework. This practice hinders finding the necessary information, especially for new entrants.

Also, the stakeholders consider that some information is not clear and easily accessible from its website.

### **TIGF**

**TIGF complies with the transparency requirements illustrated above and also with those referred to publishing information on:**

- Clarity of services price.
- User-friendly instrument for calculating tariffs.

- Historical data.
- Flexibility and tolerance levels.
- Information in advance.

Regarding the **form of disclosing the information**, the French operator complies with the pertinent provisions.

The supervision reveals that there is **room for improvement** in data published on:

- Secondary markets. TIGF explains that they do not publish the total number of trades/transfers on the secondary market because there is very little number of transactions per day on a daily basis.
- Information to be published per balancing zone. They deem that publishing data of the amount of gas in the transmission system on an hourly basis is not applicable in their situation because they have daily balancing, without within day obligations

Also, TIGF considers as not applicable to them the provisions of publishing the aggregate imbalance position of all users at the start of each balancing period and the forecast of the aggregate imbalance position of all users at the end of each day because linepack options are already published.

## 6.2. EVALUATION OF LSOs RESPONSES

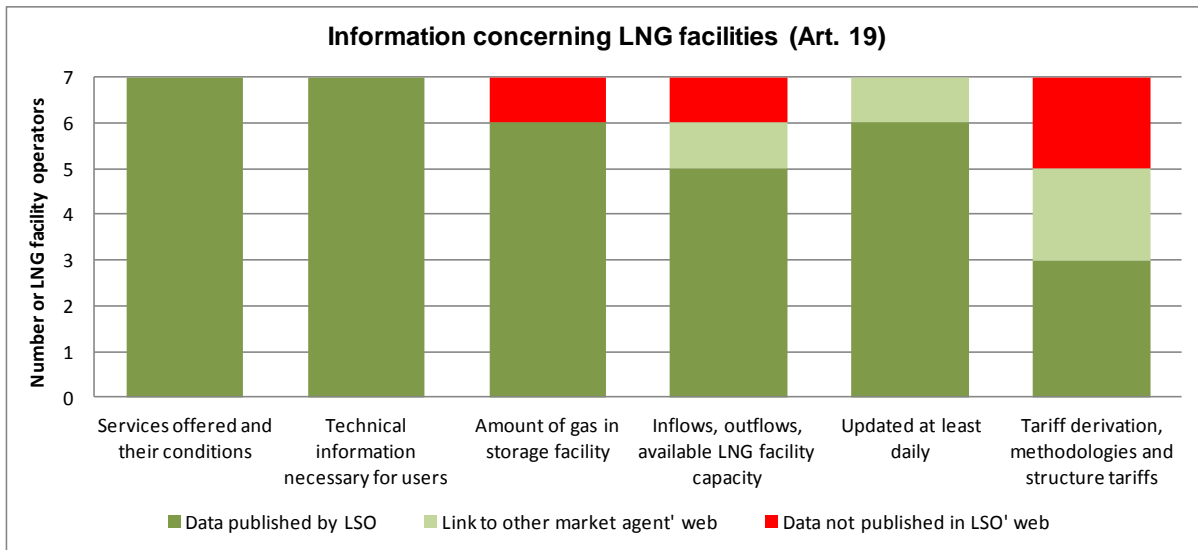
LSOs show, in general, a high compliance with the transparency requirements.

The figures below illustrate the assessment done by Regulators taking into account the comments received from stakeholders during the Public Consultation.

The following information is published as required the Regulation, in Article 19, by all LSOs in the region (see Figure 11):

- Detailed information regarding the services offered.
- Detailed information regarding the relevant conditions applied for these services.
- Technical information necessary for LNG users to gain effective access to the LNG facility.

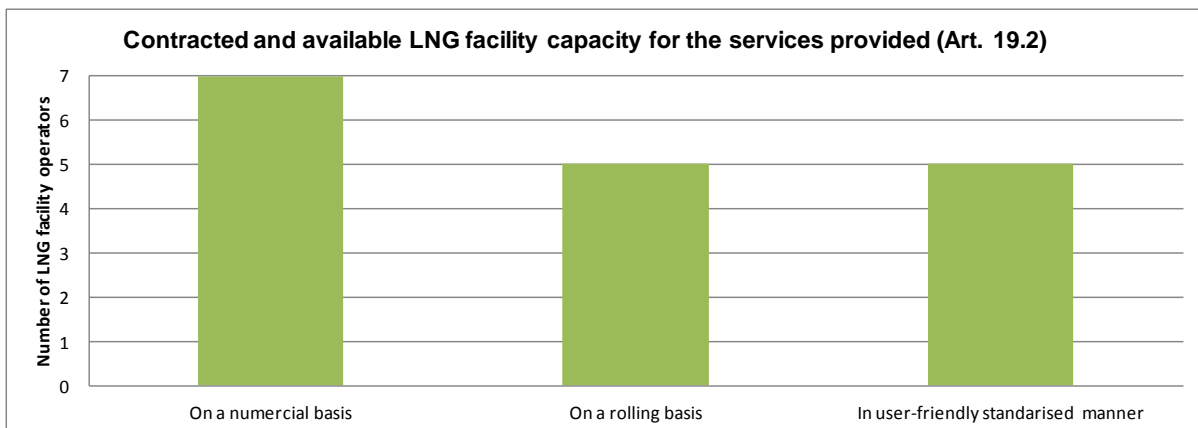
**Figure 11. LSOs complying with the provisions set out in Art. 19 of Regulation (EC) No 715/2009.**



The number of LSOs complying with the provisions set out in Article 19.2 is shown in Figure 12.

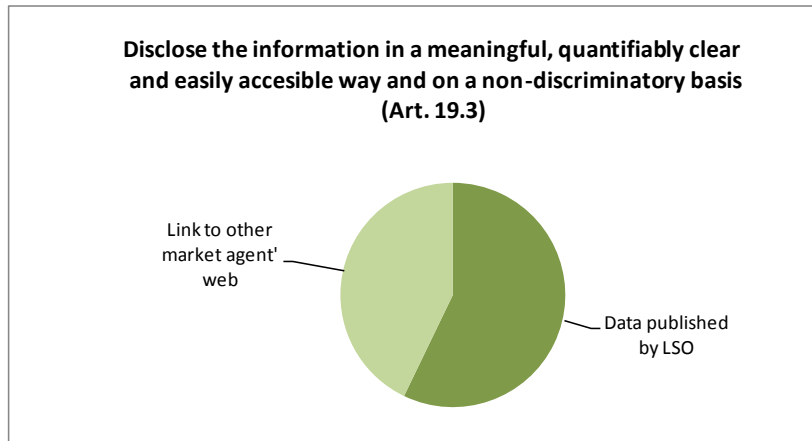
This point is referring to the form of publishing data on contracted and available capacity. All LSOs in the Region do it on a numerical basis but some of them don't comply with other requirements such as disclosing the information on a rolling basis or using a friendly manner for doing it.

**Figure 12. LSOs complying with the provisions set out in Art. 19.2 of Regulation (EC) No 715/2009.**



Moreover, Article 19.3 sets out that LSOs shall disclose the information in a meaningful, quantifiable clear and easily accessible way and on a non-discriminatory basis. According to NRAs assessment and stakeholders comments, four out of seven comply with this requirement (see Figure 13).

**Figure 13. LSOs complying with the provisions set out in Art. 19.3 of Regulation (EC) No 715/2009.**

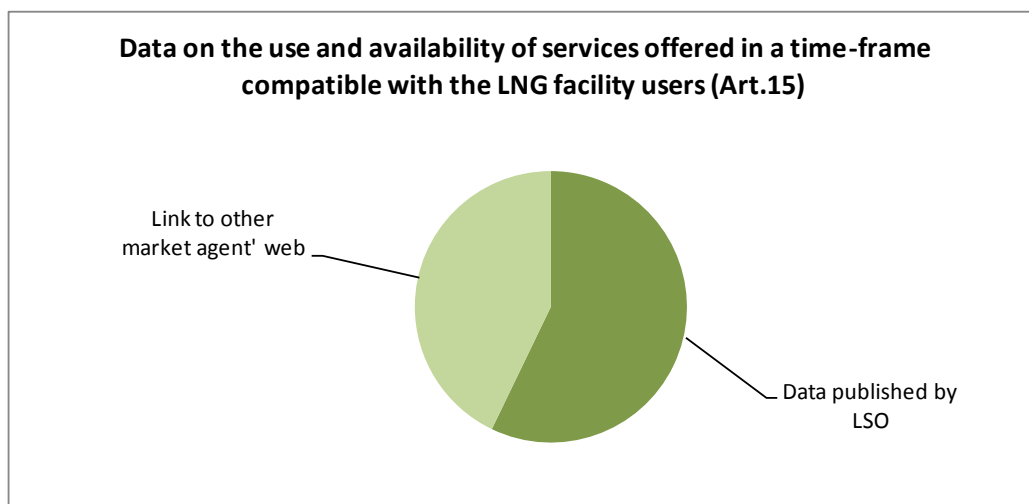


Regarding the time-frame when operators shall publish the information on the utilization and availability of the services they offer; Article 15 requires them to make public data in a time-frame compatible with the users reasonable commercial needs.

This provision is not easy to check from tables where data are published for information only. Stakeholders' views are critical when evaluating its compliance.

The answers and comments to the questionnaires reveal that four out of seven publish these data in their websites. However, three LSOs' websites show a link to other market agents' websites where the information is published (Figure 14).

**Figure 14. LSOs complying with the provisions set out in Art. 15 of Regulation (EC) No 715/2009.**





Finally, in Article 20 the LSOs and SSOs are obliged to keep at disposal of relevant authorities all information referred in Article 19 for five years. According to their answers, all operators comply with the provision.

### **BBG**

BBG provides the following information with **links to other websites**:

- Information on tariff derivation, the methodologies and the structure of tariffs for infrastructure under regulated third-party access (NRA and System Technical Manager' web pages)
- Data on the utilisation and availability of services they offer, in a time-frame compatible with the LNG facility user reasonable commercial needs (System Technical Manager website).

### **ENAGAS**

The Spanish operator has just installed on its website the **LNG Terminals Transparency Template** (not completed at the moment of the study).

The new tool has been developed by GLE in cooperation with CEER. Its main objective is to make easier for shippers the access to information.

**ENAGAS complies with the Transparency requirements** as a LNG facility operator.

The information on tariff derivation, the methodologies and the structure of tariffs for infrastructure, under regulated third-party access are made public from direct links to the legislation in place (published by the Ministry of Industry, Energy and Tourism). Also, a the tariff simulator is installed in ENAGAS website to calculate the LNG terminal access cost.

### **ELENGY**

The French operator has installed on ELENGY website the **LNG Terminals Transparency Template**.

**ELENGY complies with the Transparency requirements**.

The information on tariff derivation, the methodologies and the structure of tariffs for infrastructure, under regulated third-party access are made public with links to relevant legislation and a specific tool to estimate LNG terminal access tariffs.

### **REGANOSA**

The Spanish operator needs to **improve the publication of**:

- Information on contracted and available capacity on a regular rolling basis and in user-friendly standardised manner. Data are not published in a working format and it is not simple to know when this information has been updated.
- Information required by the Regulation in a meaningful, quantifiable clear and easily accessible way and on a non-discriminatory basis.

Moreover, REGANOSA website provides the following information with **links to other websites**:

- Data on the utilisation and availability of services they offer, in a time-frame compatible with the LNG facility user reasonable commercial needs (System Technical Manager website).

However, they **do not publish in their web page** the information required about:

- Information on tariff derivation, the methodologies and the structure of tariffs for infrastructure under regulated third-party access.
- Amount of gas in each storage facility.
- Inflows and outflows.

### **REN Atlântico**

The Portuguese operator needs to **improve the publication of**:

- Information on contracted and available capacity in user-friendly standardised manner (not published in English).
- Information required by the Regulation in a meaningful, quantifiable clear and easily accessible way and on a non-discriminatory basis.
- Data on the use and availability of services they offer, in a time-frame compatible with the LNG facility users' reasonable commercial needs.

Furthermore, REN **provides links** to the legislation in place regarding tariff derivation, the methodologies and the structure of tariffs for infrastructure under regulated third-party access.

### **SAGGAS**

The Spanish operator needs to **improve the publication of**:

- Information on contracted and available capacity on a regular rolling basis and in user-friendly standardised manner Data are not published in a working format and it is not simple to know when this information has been updated.
- Information required by the Regulation in a meaningful, quantifiable clear and easily accessible way and on a non-discriminatory basis.

In addition, SAGGAS provides the following information with **links to other websites**:

- Inflows and outflows, and the available LNG facility capacity (System Technical Manager website).
- Data on the use and availability of services they offer, in a time-frame compatible with the LNG facility users' reasonable commercial needs (System Technical Manager website).

However, they **do not publish in their web page** the information required about:

- Information on tariff derivation, the methodologies and the structure of tariffs for infrastructure under regulated third-party access.

### **FOSMAX LNG**

The French operator has installed on FOSMAX LNG website the **LNG Terminals Transparency Template**.

**FOSMAX LNG complies with the Transparency requirements.**

The information on tariff derivation, the methodologies and the structure of tariffs for infrastructure under regulated third-party access are made public from links to relevant legislation. Also, a specific tariff application is implemented on the webpage to calculate the payment obligation to LNG terminal access.

## **6.3. EVALUATION OF SSOs RESPONSES**

Storage facilities operators in the South Gas Region show, in general, a high compliance with the transparency requirements.

The figures hereafter show the assessment done by Regulators taking into consideration the comments received from stakeholders during the Public Consultation.

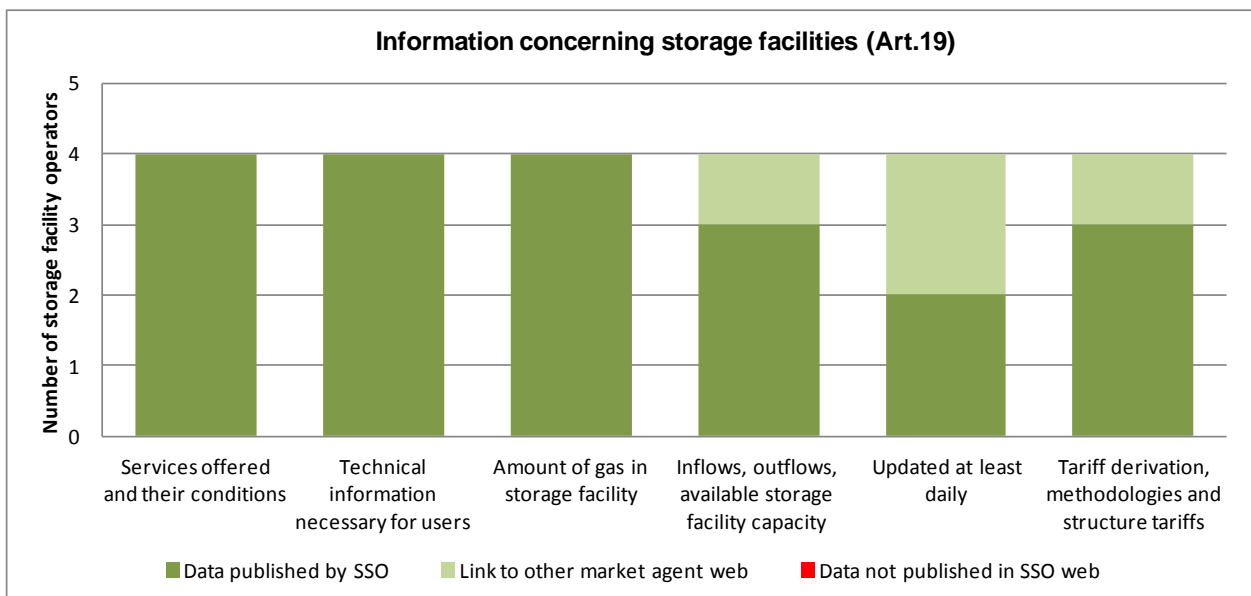
It is important to underline that the figures do not include the evaluation of GALP because they have not completed the questionnaire with links to the relevant information.

The GALP website shows a general description of the services offered. In general terms, it does not seem to comply with the transparency requirements.

The following information is published as required in Article 19 of Regulation (EC) No 715/2009, by all SSOs in the region (see Figure 15, GALP has not been included):

- Detailed information regarding the services offered.
- Detailed information regarding the relevant conditions applied for these services.
- Technical information necessary for storage facility users to gain effective access to the storage facility.
- Amount of gas in each storage facility.

**Figure 15. SSOs complying with the provisions set out in Art. 19 of Regulation (EC) No 715/2009.**

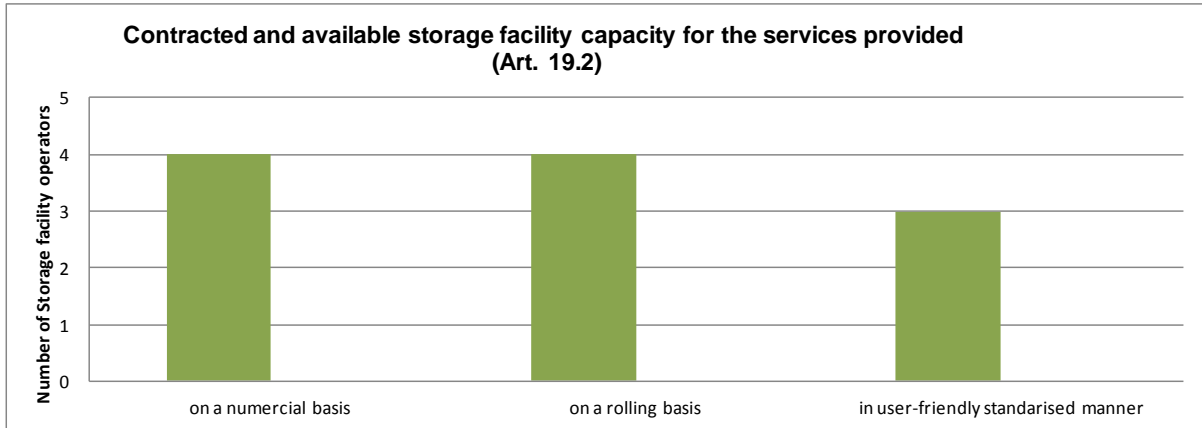


The Article 19.2 sets out that for the services provided, the SSO shall publish information on contracted and available storage facility capacity on a numerical basis, on a regular rolling basis and in user-friendly standardised manner.

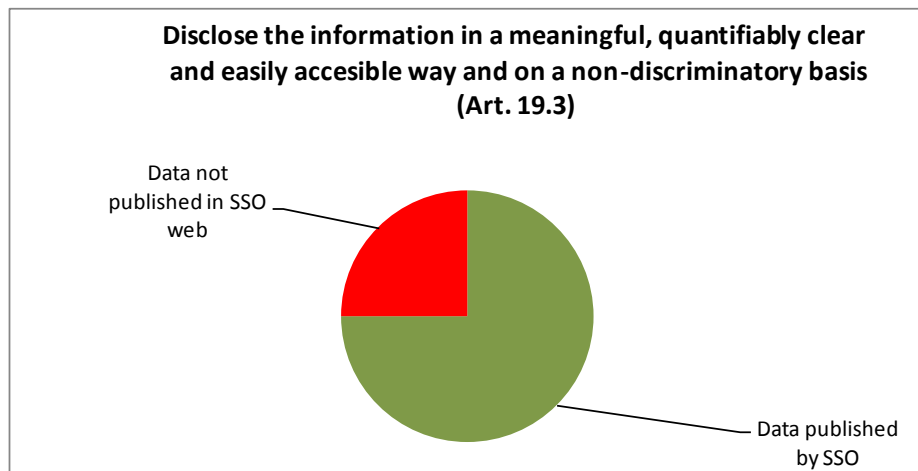
All SSOs in the Region do it on numerical and regular basis (see Figure 16). Nevertheless one of them does not publish the information in English, so, the SSO is not considered complying with the publication in user-friendly standardised manner (described below).

Additionally, the Article 19.3 sets out that SSOs shall disclose the information in a meaningful, quantifiable clear and easily accessible way and on a non-discriminatory basis. The results are similar to the previous obligation (Figure 17).

**Figure 16. SSOs complying with the provisions set out in Art. 19.2 of Regulation (EC) No 715/2009.**



**Figure 17. SSOs complying with the provisions set out in Art. 19.3 of Regulation (EC) No 715/2009.**



Finally, in relation to publishing data on the use and availability of services they offer, in a time-frame compatible with the storage facility user reasonable commercial needs (Article 15 of Regulation (EC) No 715/2009), is not easy to use from tables where data are published for information only. Stakeholders views are critical to evaluate the compliance with this requirement.

All operators publish a table with the storage capacity regarding availability, subscription, technical, etc as they are required in Article 19.

The evaluation of compliance of each SSO is shown in alphabetic order.

### **ENAGAS**

**ENAGAS complies with the Transparency requirements** as a SSO facility operator.

The information on tariff derivation, the methodologies and the structure of tariffs for infrastructure under regulated third-party access are made public from direct links to the legislation in place (published by the Ministry of Industry, Energy and Tourism). Also, a fees and tariffs simulator is installed in ENAGAS website to calculate storage access cost.

### **Transgás Armazenagem (Grupo GALP)**

The Portuguese operator has completed the questionnaires with affirmative and negative answers and comments to each requirement. They do not provide links to the relevant information on their website where appropriate. **GALP website has been analysed briefly and it seems the transparency requirements must be better implemented in order to users gain effective access to the storage facility.**

### **REN Armazenagem**

The Portuguese SSO facility operator needs to **improve the publication of**:

- Information on contracted and available capacity in user-friendly standardised manner (not published in English).
- Information required by the Regulation in a meaningful, quantifiable clear and easily accessible way and on a non-discriminatory basis (not published in English).

Furthermore, REN website shows **links** to relevant legislation to make public the information on tariff derivation, the methodologies and the structure of tariffs for infrastructure under regulated third-party access.

### **STORENGY**

**STORENGY complies with the Transparency requirements** as a SSO facility operator.

The French storage facility operator needs to **improve the publication of** information on contracted and available capacity in user-friendly standardised manner to the extent that these data are not downloadable in a working format.

### **TIGF**

**TIGF complies with the Transparency requirements** as a SSO facility operator.

## **7. CONCLUSIONS**

In general, a significant level of compliance is reported on all transparency requirements in Regulation (EC) No 715/2009, although it is not the same for the three types of operators or in the three countries. The degree of competition in the gas market might also play a significant role when pushing operators to disclose information. Small or independent operators from the TSOs register lower levels of compliance.

In relation to TSOs, the high level of compliance is particularly referred to publishing information on:

- Gas system description.
- Services description and contracting process.
- Nomination and matching procedures.
- Balancing rules and imbalance charges.
- Flexibility and tolerance levels.
- Emergency mechanisms.
- Procedures agree at interconnection points.

Nevertheless, in some TSOs websites the relevant information is not easy to find. Also, there is a need to improve frequency of publication, historical data, language and formats.

Regarding LSOs and SSOs websites, some of them reflect the available information, mainly on:

- Service description.
- Contracted and available storage facility capacity.
- Use and availability of third-party access services.
- Form of publication.

However, there is room for improvement in easy and direct access, friendly manner and more information published in English.

To achieve a full level of compliance it would be advisable to disclose this report giving further visibility to it, so operators will learn which aspect they need to improve to fulfill the transparency requirements. Individual contact between the NRA and the operator is also needed to check full compliance as soon as possible.

Finally, it is important to highlight that subjective criterion, misunderstandings and particular national conditions can lead to different interpretations of compliance level.