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## Open letter on establishment of an ad hoc expert group

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Ljubljana, 17 February 2012

**Object:** establishment of an ad hoc expert group on Framework Guidelines on harmonized gas transmission tariff structures.

Dear Sir or Madam,

The European Agency for the Cooperation of Energy Regulators (“ACER”) has decided to set up an informal “ad hoc” group of experts on harmonized gas transmission tariff structures. The goal of this group will be to provide support to ACER. Experts of this group will be expected to contribute to technical discussion during the preparation of a new framework guideline. The experts will be requested to support the identification of issues of relevance that require harmonized regulatory measures as well to contribute to the analysis of possible options on the basis of their specific gas market experience.

The Third Package of European energy legislation envisages the development of European network codes in different areas. ENTSOG will be responsible for drafting cross-border network codes based on the principles and objectives set out in the Framework Guidelines to be prepared by ACER in consultation with network users. The harmonization of transmission tariff structures has been identified among the priority framework guidelines for 2012.

The group should gather people from various profiles and origins with a confirmed experience in the area of gas transmission tariffs. The precise terms of reference for the expert group, including the specific criteria for the experts are provided in Annex 1.

At this stage, only experts responding to the criteria identified in the Annex 1 are invited to apply. The application should set out briefly:

- List of relevant qualifications, including education and number of years of experience in the area technical or operational functioning of the gas markets, specifying in which countries or segments these have been gained;
- Current involvement in the electricity/gas industry and the company or organization (including EU stakeholder organization) he or she is a member of (indicate current and past

participation/contribution in task forces or working groups of associations by indicating the subject dealt with);

- List of relevant publications;
- Contact details.

Please apply by **29 February 2012**, i.e. two weeks after publication of this “Open Letter” by sending your application to **ExpertGasTariff@acer.europa.eu**. Applications received after this deadline will not be considered.

Following the reception of the applications, a list of the members of the expert group will be drawn up according to a selection procedure conducted by ACER. According to the “Rules of Procedure for the establishment of ad hoc expert groups” (see Annex 2 of this letter), the expert group shall aim to have a broad range of relevant expertise according to Annex 1 and guarantee a good geographical diversity.

Should you have any questions about this or the work of ACER in this area, please do not hesitate to contact:

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Walter Boltz  
ACER Gas Working Group Chair

## Annex 1

### Terms of reference for the ad hoc expert group on harmonized gas transmission tariff structures

#### Deliverable

The expert group should deliver expert advice on the specific questions requested by ACER. The form of the advice to be submitted by the expert group to ACER will be agreed by the Chair of the expert group.

#### Schedule

At least two half-day meetings of the ad hoc expert group on harmonized gas transmission tariff structures are expected to be held. A **first meeting** is scheduled to take place in **March 2012**. The meetings will take place in Ljubljana at the ACER premises (other arrangements can be convened by the Chair of the expert group).

The experts will be informed about the final dates at the latest on 2 March 2012. Should further meetings be necessary, the experts will be informed in due time by the Chair.

#### Qualification

The experts – e.g. academia, consultants, network operators and gas market practitioners, other than regulators – should have relevant experience in at least some of the following areas:

- determination of entry and exit tariffs;
- auction design;
- cost-of-service (or rate-of-return) and cap (or incentive) regulation approaches;
- the integration of entry-exit zones at national or regional level;
- incentives for new investments and efficient use of infrastructure;
- knowledge of a few EU tariff structures.

## Annex 2

### ACER's Rules of Procedure for ad hoc expert groups (hereafter "expert groups")

#### Article 1 – Purpose

The role of the expert group is to provide, on an ad hoc basis, expert support to ACER in the development of regulatory policies. The status of the input provided by the expert group is that of **advice** to ACER. **Regulatory policies are those of ACER alone.**

An expert group may be set up, for example, in the context of the development of a Framework Guideline by ACER.

#### Article 2 – Application procedure

An Open Letter for the establishment of an ad hoc expert group will be published on the ACER website.

Persons interested in becoming members will be invited to contact ACER within the deadline specified in the Open Letter (generally two weeks after the Open Letter has been published). To be valid, the application of the expert must contain the following information:

- List of relevant qualifications, including education and number of years of experience in the area concerned specifying in which countries or markets these have been gained;
- Current involvement in the electricity/gas industry and the company or organization (including EU stakeholder organization) he or she is a member of (indicate current and past participation/contribution in task forces or working groups of associations by indicating the subject dealt with);
- List of relevant publications;
- Contact details.

Applications will be assessed by a selection committee established by ACER on the basis of the information submitted by candidates.

Candidates will be contacted individually by ACER to confirm their appointment or refusal as members of an expert group. This communication will take place within four weeks after the Open Letter for the establishment of an expert group has been made public on the ACER website.

### **Article 3 – Membership**

Each expert group is composed of members appointed by ACER.

The expert group shall aim at having a broad range of relevant expertise and geographical diversity among its members. Specific criteria (depending on the relevant area of expertise) may be defined for the appointment of the experts.

Network users and network operators will be among those eligible to nominate a qualified expert.

Members are appointed **ad personam** and primarily for their competences and shall therefore not have alternates.

Members are required to abide by the terms of ACER's Rules of Procedure for ad hoc expert groups, and shall sign them for acceptance upon joining the expert group.

The number of experts in an expert group will not exceed 10.

### **Article 4 – Chair**

Meetings shall be chaired by a representative of ACER.

### **Article 5 – Responsibilities of the Chair**

The Chair is responsible for the efficient conduct of the business of the ad hoc expert group and shall in particular:

- Plan the work of the expert group by define its tasks;
- Draw the agenda for the meetings of the expert group and take the minutes;
- Chair the meetings of the expert group;
- Monitor the application of these Rules of Procedure;
- Present the work of the expert group to ACER on a regular basis;
- Present the work of the expert group externally (particularly to the electricity and gas fora, when relevant).

### **Article 6 – Independence of the experts**

Members shall make a declaration of commitment in their application to fulfill their duties and a declaration of interests which could be considered to be prejudicial to their independence.

### **Article 7 – Confidentiality of information**

Experts shall not disclose to any persons, or company, including the one they might be linked to, any information acquired as a result of their work in the expert group.

The obligation to maintain confidentiality shall continue to apply even after participation of members in the expert group has ceased.

### **Article 8 – Transparency**

The list of members of the expert group shall be made public.

The expert group shall operate in accordance with the need for a high level of transparency.

The following documents of the expert group shall be published on the ACER website, subject to the respect of confidentiality requirements:

- Open Letter for the establishment of an ad hoc expert group;
- Rules of Procedure for ad hoc expert groups;
- Minutes in a summary form.

### **Article 9 - Invitations to meetings**

Any meeting of an expert group shall be convened at the invitation of the expert group Chair.

The date of the first meeting will be announced in the open letter for the establishment of the ad hoc expert group.

Invitations shall be issued not later than 14 calendar days before the meeting.

### **Article 10 – Agenda**

A draft agenda shall be drawn up by the Chair and circulated to the members of the ad hoc expert group no later than 10 calendar days before the meeting. The agenda shall be adopted at the beginning of each meeting.

### **Article 11 – Documentation**

Documents that are necessary for the meetings shall be normally circulated to the members of the ad hoc expert group at least 10 calendar days before the meeting.

### **Article 12 – Minutes**

It is the responsibility of the Chair, to take the minutes of the meeting of the expert group. The minutes shall include a summary record of the proceedings and action points.

Views, whether expressed orally or in writing by members in the context of an expert group shall not be ascribed to a particular individual.

### **Article 13 – Reimbursement**

Experts should bear their own costs.

### **Article 14 – General provisions**

Amendments to these Rules of Procedure shall be approved by ACER.