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**OPINION OF THE AGENCY FOR THE COOPERATION OF ENERGY  
REGULATORS No 26/2013**

**of 19 December 2013**

**ON THE MANUAL OF PROCEDURES FOR THE ENTSO-E  
CENTRAL INFORMATION TRANSPARENCY PLATFORM**

THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS,

HAVING REGARD to Commission Regulation (EU) No 543/2013 of 14 June 2013 on submission and publication of data in electricity markets and amending Annex I to Regulation (EC) No 714/2009 of the European Parliament and of the Council<sup>1</sup>, and, in particular, Article 5 thereof,

WHEREAS:

- (1) On 31 October 2013 the European Network of Transmission System Operators for Electricity ('ENTSO-E'), with reference to Article 5 of Regulation (EU) No 543/2013, submitted to the Agency for the Cooperation of Energy Regulators (the 'Agency'), for its opinion, a 'Manual of Procedures for the ENTSO-E Central Information Transparency Platform' (the 'MoP'), including separate documents referenced in the MoP. The referenced documents included 'Detailed Data Descriptions', a 'Business Requirements Specification' and several implementation guides describing the standards and methods used for the submission and transfer of information.
- (2) Article 5 of Regulation (EU) No 543/2013 tasks the Agency with providing an opinion on the draft manual of procedures submitted by ENTSO-E. While Regulation (EU) No 543/2013 does not define specific criteria to be taken into account for the Agency's opinion, points (a) to (d) of the first paragraph of its Article 5 do specify which aspects the draft manual of procedures should address. Therefore the Agency regarded those requirements as the main criteria for the assessment of the MoP in the present opinion.
- (3) Article 4(4) of Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency<sup>2</sup> recognises that publication of inside information, in accordance with Regulation (EC) No 714/2009 or guidelines adopted pursuant to it, constitutes simultaneous, complete and effective public disclosure. To underline this regulatory context, the Agency deemed it useful to consider in the present opinion also the manner in which outages will be disclosed on the Central

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<sup>1</sup> OJ L 163, 15.6.2013, p. 1.

<sup>2</sup> OJ L 326, 8.12.2011, p. 1.

Information Transparency Platform, as outlined in the 3<sup>rd</sup> edition of the Agency's Guidance on the application of Regulation (EU) No 1227/2011<sup>3</sup>,

**HAS ADOPTED THIS OPINION:**

ENTSO-E's draft MoP processed and implemented very complex information within a quite short period of time and clearly contributes to the objectives of Regulation (EU) No 543/2013.

The draft MoP indicates to be incomplete to the extent that information is to be added following the completion of the web form design (see Sections 6.5, 6.8 to 6.9 and 6.11 to 6.12). Accordingly, the Agency cannot fully assess the draft MoP. The following comments are therefore without prejudice to a reassessment after the draft MoP has been completed. The Agency expects to be updated on this completion.

In principle, the draft MoP addresses the criteria of Article 5, first paragraph, of Regulation (EU) No 543/2013 appropriately.

In terms of structure, the draft MoP consists of a concise 'basic document' that refers to more detailed documents. Such approach seems reasonable with regard to clarity and accessibility of the complex information covered by the subject matter at stake.

In terms of form, the draft MoP is constructed mainly as an on-line resource to facilitate the cross-referencing of material. It will be possible to export a pdf reference version for download, however, only the on-line copy is planned to be definitive. In the Agency's view, the pdf version should always be consistent with the on-line version to ensure utmost certainty on the applicable process.

With regard to the regulatory relevant interaction between Regulation (EU) No 543/2013 and Regulation (EU) No 1227/2011, it is notable that the Central Information Transparency Platform will publish information which is also relevant for Regulation (EU) No 1227/2011, in particular on power plant outages. In that respect, without prejudice to Article 1(2) of Regulation (EU) No 1227/2011, the publication (e.g. on outages) should contain the following information, as also outlined in the 3<sup>rd</sup> edition of the Agency's Guidance on the application of Regulation (EU) No 1227/2011 (p. 43)<sup>4</sup>:

<b>Field</b>
The caption 'Publication according to Article 4(1) of Regulation (EU) No 1227/2011 – Urgent Market Message'

<sup>3</sup>[http://www.acer.europa.eu/remit/Documents/REMIT%20ACER%20Guidance%203rd%20Edition\\_FIN\\_AL.pdf](http://www.acer.europa.eu/remit/Documents/REMIT%20ACER%20Guidance%203rd%20Edition_FIN_AL.pdf)

<sup>4</sup>[http://www.acer.europa.eu/remit/Documents/REMIT%20ACER%20Guidance%203rd%20Edition\\_FIN\\_AL.pdf](http://www.acer.europa.eu/remit/Documents/REMIT%20ACER%20Guidance%203rd%20Edition_FIN_AL.pdf)

A subject heading that summarises the main content of the publication
The time and date of the publication
The time and date of the relevant occurrence
If applicable, the name and location of the asset concerned
If applicable, the market area or balancing area concerned
If applicable, the affected capacity of the asset concerned
If applicable, the available capacity of the asset concerned
If applicable, the fuel concerned
If applicable, the estimated time at which the assets concerned will be partly/or wholly available again
If applicable, the reasons for the unavailability of the asset concerned. If the reason(s) for the unavailability is/are not known, regular updates should be provided until the reason(s) is/are confirmed
If applicable, a history of prior publications regarding the same event, e.g. if a prognosis is updated or an unplanned outage becomes a planned outage
Any other information necessary for the reader to understand the relevant information

More specific remarks on the MoP's content, which ENTSO-E is invited to take into account when finalising the MoP, are presented in the annex to this Opinion.

Done at Ljubljana on 19 December 2013.

For the Agency:

  
 Alberto Pototschnig  
 Director

## ANNEX

### **1. Chapter 1 of the MoP – Introduction and overview**

#### Section 1.5: Data Quality

Section 1.5 does not mention how data quality is being assured, i.e. what validation steps will be taken. Whilst the XML Schema can define strongly typed data delivery, it does not ensure 100% data quality. Adherence to the business rules is not explained, neither how this will be achieved or enforced. Section 6.8 touches on this but provides very limited details. In general, how data quality will be ensured should be clarified.

Point a) in Section 1.5 makes reference to chapter 3, but chapter 3 refers to reference 2. It does not make sense to have reference to a reference within a document. A reference in point a) directly to reference 2 would be clearer.

#### Section 1.6: Data Security

Section 1.6 does not mention the Secure File Transfer (ftps). A reference to Secure File Transfer should be added, as it is mentioned as a valid protocol for data transfer in Section 6.3, paragraph c).

### **2. Chapter 2 of the MoP – Terms**

This chapter covers the different data types that are to be supplied; however it only relates to static or slowly changing data. It should be clarified how the terms for other data, such as the event data, will be defined.

Paragraph a) in Chapter 2 on Master Data contains a reference to the term ‘resource object data’, without providing a clear definition of this term. This should be clarified.

Paragraph b) in Chapter 2 on Reference Data does not contain an explanation as to where or how this will be used within the data provided. This should be clarified.

### **3. Chapter 3 of the MoP – Detailed Data Descriptions**

Regarding the specific Detailed Data Descriptions document, the following is to be noted:

- p. 5: ‘Definitions of terms can be found in the transparency Regulation [1]. Only the main terms used in this document or terms not defined in other references are described below.’

The definitions of terms also include a definition of ‘Critical Network Element’ which differs from the definition in Regulation (EU) No 543/2013 and considers instead a definition proposed by the draft Network Code on Capacity Allocation and Congestion Management (the ‘NC CACM’). Since the NC CACM has not yet

been adopted and it is not at the moment clear whether its proposed definition of Critical Network Element would derogate the relevant definition in Regulation (EU) No 543/2013, the Detailed Data Descriptions should be based on Regulation (EU) No 543/2013. On the other hand, it seems reasonable to bring the definitions of those terms which are not defined by Regulation (EU) No 543/2013, but specified in draft network codes, in line with the respective draft network codes (and to adjust them to the finally adopted network codes).

- p. 14 et seqq: ‘Aggregation: Multiple TSOs per bidding zone should coordinate, agree and may provide a common value per bidding zone or separate value which have to be aggregated on the transparency platform.’

Regulation (EU) No 543/2013 does not provide for such coordination or agreement of multiple TSOs. Thus, it would need to be assessed on a case-by-case basis whether these common values may have a negative influence on the information provided, by making it too aggregated.

- Regarding ‘unavailability decisions’, the Detailed Data Descriptions do not provide notification of the time when the decision on unavailability was taken (e.g. p. 23). This time should be specified in order to control whether the information was published timely (i.e. ‘as soon as possible, but not later...’).

#### **4. Chapter 4 of the MoP – Business Requirements Specification**

Regarding the specific Business Requirements Specification document, referred to in the MoP, the following is to be noted:

- Line n. 469 defines the roles of data users for access rights to the relevant data of the Central Information Transparency Platform. Footnote n. 8 specifies that the role of ‘analysts’ could also be assigned to users from ‘data owners, ACER and other organisations’.

This marginal definition of roles does not indicate how the Agency and national regulatory authorities (‘NRAs’) would have access to the relevant data of the Central Information Transparency Platform. It is essential to clarify this and to ensure full data access by the Agency and NRAs, with the only limitation of editing rights being deprived.

- According to line n. 2924 the allowed data providers shall be identified by unique Codes. For those unique Codes footnote n. 28 states that it is left for the Implementation Guide to determine whether the EIC code or some other code will be used. For instance, in the Implementation Guide for the Outage Transparency Process, p. 16, only the EIC code is referred as identifier for market participants.

This identification does not take into account the registration of data providers under Regulation (EU) No 1227/2011 and the Agency’s code which will be assigned as a result of such registration to (partially overlapping set of) data providers. Using the Agency’s code under Regulation (EU) No 1227/2011 also for

identification under Regulation (EU) No 543/2013 would increase consistency. Therefore, it seems reasonable to allow the use of a data provider's code under Regulation (EU) No 1227/2011 also for the purpose of Regulation (EU) No 543/2013, and/or assure there is clear mapping available between ACER-codes and EIC-codes used, e.g. for reporting outages.

## **5. Chapter 6 of the MoP – Information for Data Providers**

### Section 6.1: Assessment and prior Agreement of a Data Provider

Section 6.1 defines criteria for being a data provider and proposes a procedure to be followed when a primary owner wants to fulfil its obligation through a third party acting as data provider on its behalf. This procedure does not provide for the relevant NRA to be informed about the successful acceptance and registration of a third party data provider. Such information is however necessary for NRAs to check the compliance with the obligations under Regulation (EU) No 543/2013. Therefore, it would be useful to specify in the proposed procedure the responsibility of informing the relevant NRA of the use of a third party as data provider.

### Section 6.2.3: Pre-registration of Master Data

Section 6.2.3 provides for the pre-registration of master data only. This could raise the question of how pre-registration is dealt with regarding reference data. Clarification of this issue might be useful to avoid uncertainty.

### Section 6.3: Data Submission Channels (system to system)

This section does not contain a technical reference for the Secure File Transfer (ftps) data delivery.

Paragraph a) in Section 6.3 refers to the Market Data Exchange Standard (MADES) as one possible communication channel. The difference between MADES and a web service or other transfer protocol service is not explained. Such clarification could however be useful.

The technical web service specification in paragraph b) in Section 6.3 suggests the use of MIME through SOAP. It is however not clear whether the sizing of data has been considered within the technical specification (for example, how much data will need to be transferred over the web service and at which transfer rates) and whether connection timeouts will be enforced. A slower protocol may suffer from unreliable connections and problems with upload and download. This should be clarified.

Paragraph c) in Section 6.3 mentions that 'As this method does not provide the same degree of reliability and security, this method is not preferred for regular and/or large-scale data submission'. Such a statement may need quantification because in general it seems unlikely to be true if 128bit encryption and key exchange were also enforced over the Secure File Transfer Protocol.

### Section 6.7: Version Control and Updating of submitted Data Files

It is not fully clear from this section what happens to the data that has been submitted, but is then changed. This should be clarified.

### Sections 6.10 and 6.11: Managing Master Data and Configuration Management

While Section 6.11 mentions configuration management for master and reference data, Section 6.10 mentions only master data. This should be clarified.

### Section 6.13 (and correspondingly 7.5): Support and Service Levels

Section 6.13 (and 7.5) proposes that a necessary scheduled downtime will be notified to data providers in advance, but does not define any notice period. To allow market participants to adjust to such downtimes, a minimum notice period for scheduled downtimes should be introduced.

## **6. Chapter 7 – Information for market participants who use the data**

### Sections 7.3 and 7.4: Direct Data Downloads and Data Subscriptions

Sections 7.3 and 7.4 provide that market participants can retrieve data from the Central Information Transparency Platform. These sections do not explain how, in this context, the requirement of the 3<sup>rd</sup> edition of the Agency's Guidance on the application of Regulation (EU) No 1227/2011 (p. 42)<sup>5</sup> that inside information (e.g. disclosures on outages) shall be made available via an RSS feed is considered. Clarity and consistency on this aspect is important also for the MoP, and thus it is recommended that RSS feed functionality is included for outages updates and disclosures.

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<sup>5</sup>[http://www.acer.europa.eu/remi/Documents/REMIT%20ACER%20Guidance%203rd%20Edition\\_FIN\\_AL.pdf](http://www.acer.europa.eu/remi/Documents/REMIT%20ACER%20Guidance%203rd%20Edition_FIN_AL.pdf)





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