

GIE answer to ACER's Consultation Paper on the "Manual of Procedures on Fundamental Data Reporting under REMIT"

Gas Infrastructure Europe (GIE) is an association representing the interests of European natural gas infrastructure operators active in natural gas transmission, storage and LNG regasification. GIE is a trusted partner of European institutions, regulatory bodies and industry stakeholders. It is based in Brussels, the heart of European policymaking.

GIE currently represents 68 member companies from 25 countries. Its internal structure has three columns corresponding to the three types of infrastructure activities represented: GTE (Gas Transmission Europe), GSE (Gas Storage Europe) and GLE (Gas LNG Europe), all of which fall under the umbrella of GIE. This structure allows member companies to speak with one voice on infrastructure topics as well as to build positions on column-specific issues.

1 Introduction and general comments

GIE welcomes the consultation paper published by ACER on the "Manual of Procedures on Fundamental Data Reporting under REMIT" dated 24 June 2014 and would like to make the following comments.

First of all, GIE would like to thank ACER for the work completed to date, appreciating that the implementation of the monitoring of fundamental data is not an easy task, given the differences between the concerned entities as well as the amount and the diversity of information to be handled. Nevertheless, GIE representing in this context LNG terminal operators and storage operators would like to draw your attention to some important issues :

- The obligations under the ACER's reporting schema should not exceed the obligations defined in the Regulation (EU) 1227/2011 ("REMIT") and in the REMIT Implementing Acts (or the last available draft of it);¹
- The exact specifications of the data to be reported (content, type, nature...) should be clear before discussing the IT formats and procedures;
- As stated in recital 19 of REMIT, reporting obligations should be kept to a minimum and not create unnecessary costs or administrative burdens. In particular, ACER should collect the required information or parts thereof from existing sources where possible (cf. article 8(5) of REMIT);
- Some of the data required by ACER is commercially sensitive; therefore information procedures ensuring that data are transmitted safely and confidentiality is preserved should be duly documented.

¹ GIE recalls that LSOs and SSOs as a whole are not *per se* market participant under REMIT because they do not generally enter into transactions in wholesale energy market. Obligations on LSOs and SSOs in the REMIT implementing acts, if any, should only apply to LSOs and SSOs that would be market participant under REMIT.

2 Consultation questions

Please provide us with your general comments on the purpose and structure of the draft Manual, annexed to the consultation paper.

From a general point of view, the structure of the Manual appears quite complex. It refers to several documents (Requirements for RRM, Technical Specifications for RRM, TRUM...) whose aim and content, as well as their interactions with the Manual, needs to be more clearly defined.

More importantly, **the purpose and the content of the Manual itself need to be reconsidered to ensure that the Manual does not go over and beyond the scope of REMIT and the REMIT Implementing Acts.** The Manual should **strictly** comply with REMIT and the REMIT Implementing Acts. It should not seek to create new obligations which are not specified in the regulation. In particular it is incorrect for ACER's Manual to state that LSOs have the obligation to provide the Agency information related to LNG facilities and cargoes on behalf of market participants (see § 3 "Who needs to report fundamental data and what is reportable").

The Manual should provide reporting entities with a logical, simple explanation of how fundamental data should be reported, and not go beyond this. It is inappropriate to utilise this Manual to explain or to comment on the aim of REMIT or of REMIT's draft Implementing Acts. Any references of this kind should be removed from the Manual in order to prevent possible ambiguities and confusion (see § 2 "Why fundamental data are important to the Agency").

Please provide us with your views on the attached data fields (see Annex I of the draft Manual) for the reporting of fundamental data.

Once again, the Manual (including its Annexes) should **strictly** comply with REMIT and REMIT's Implementing Acts. The nature of the data required should not go beyond what is required in the draft Implementing Acts. On the other hand, the schedule of reporting has to be clearly defined, based on REMIT and REMIT's Implementing Acts. The Manual shall provide the exact timing (due date) for report publication, in accordance with the definition of (gas-) day and its application in all Member States.

In the case of storage data reporting, the data providing process for unified storage should be clarified (see Annex I: 3 "Storage Facility Report"). For the so called "Storage Facility Report" data specification would be essential because „the details of all of the movement of gas into and out of the facility within a gas day" have to be provided to ACER. This requires also full alignment with the paragraph 3.2.2 "Populating Storage Facility Details".

In particular, most of the required details relating to the technical capacity of the LNG terminal are not included in the scope of the data to be provided by LSOs in the draft Implementing Acts. Moreover some of these details are simply not relevant for LSOs (for example "compression capacity" whether optionally reportable or not, cf. p13 of the Manual § 5.5).

LSOs consider that it is **paramount to define the exact specifications of the data to be reported** (content, type, nature...) **before starting to discuss the IT formats and procedures.** In this respect, LSOs would like to recall that it made a clear and concrete proposal to ACER when the latter initiated a dialogue with GLE (see appendix). GLE regrets that no feedback on its proposal has been received to date.

GLE confirms that it is still prepared to have a constructive dialogue with ACER and it is available to support ACER's representatives towards a better definition of the data collection at LNG terminals.

As regards the data fields for electricity and gas nominations (see Annex I of the draft Manual), please notice that a data field for Status is included for gas (data field No 14), but not for electricity. Please provide us with your views whether this data field is relevant also for electricity nominations, and if so, whether existing Industry format could be updated accordingly.

This subject is not applicable to SSOs and LSOs.

Please provide us with your views on the attached electronic formats (see Annex II of the draft Manual) for the reporting of fundamental data.

This is a matter for IT specialists that **should be managed only after (i) the specification of the data to be reported and (ii) the reporting schemes have been clarified.**

Please take into consideration the data fields and relevant reporting entities regarding LNG terminals from the attached GLE proposal to ACER from April 2014.

REMIT clearly provides that reporting obligations shall not create unnecessary costs or administrative burdens. ARIS system should be able to accept different data formats according to reporting entities constraints.

LSOs would like to state that ACER's proposal is being made a lot more complicated than necessary from an IT point of view. In addition, we would like to refer to § 5.5, p.13 of the Manual to indicate that, if it would be decided to use ALSI as a common RRM for LSOs, LNG data are covered by ALSI-XML schema, and not AGSI-XML.

Not taking into account the above considerations might imply high cost implications for LSOs as well as delays with regards to the rollout from LSOs.

Finally, LSOs would like to stress that ACER should examine all possibilities for collecting the required information or parts thereof from existing sources (see above and also art 8.5 of REMIT).

The attached electronic formats for the reporting of gas nominations do currently not reflect the data fields for Contract Reference/Type (data field No 13) and Status Code (data field No 14). Please provide us with your views as whether these data fields should be required and thus if the XML schemas should be aligned accordingly.

This is out of scope of SSOs and LSOs; it seems to be related to what ENTSOG will have to report on.

In order to avoid unnecessary costs or administrative burdens on reporting entities, the Agency intends to rely as much as possible on existing industry standards and data formats for the collection of fundamental data under REMIT. For the purpose of ensuring operational reliability, the Agency however reserves the right not to take over all future changes of such standards and data formats introduced by the industry. Any future changes of existing standards and data formats shall therefore be agreed between the Agency and relevant industry organisation, before applying for the purpose of REMIT reporting. Please provide us with your views on the above approach.

GIE agrees with the proposal that any future changes of standards and data formats shall be agreed with the relevant industry organisation. GIE members would like to be actively involved in any such discussion.

In order to assess insider trading, the Agency would consider necessary to have the following timestamps reported in sufficient level of detail:

- *Time of the event (the time of occurrence of e.g. an outage of a power plant);*
- *Time of reporting to the public (the time when e.g. a market participant reported the outage to a platform for publication, or ,in case of a nomination, the time when market participant nominated to a TSO);*
- *Time of publication (in the case of inside information, the time when the inside information was first disclosed to the market);*
- *Time of reporting to the Agency*

The Agency considers that some formats as now specified, may not currently support the above requirements clearly enough. The Agency is considering to add such timestamps as data fields where not yet present. Please provide us with your views on the impact of adding such data fields to the present formats.

The timestamp requirements as such might be excessive or overlapping (see difference between “time of reporting to the public” and “time of publication”).

3 Conclusion

GIE would like to thank again ACER for the work already done and invite ACER to progress discussions with GLE which have already been initiated.

In particular, **LSOs represented by GLE propose a meeting with ACER as soon as possible** in order to clarify the LSOs reporting requirements and to provide a better understanding of the LNG data specificities. For the benefit of REMIT implementation and of all concerned parties, we should finalize these issues before continuing to focus on IT matters and comment on ARIS schematics.

4 Appendixes

GLE proposal sent to ACER on 10 April 2014 :



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GLE feedback to “REMIT LNG Reporting Schema Usage Guidelines, Revision 1.0, Draft 20 May 2014” :



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