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Monitoring of Gas Transparency requirements

**TSOs' compliance with Chapter 3, Annex I
of Regulation (EC) No 715/2009**

**Update of ACER analysis for
23rd Madrid Forum**

Final version

9 April 2013

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Executive summary

Transparency is a vital element for well-functioning gas markets and a relevant pre-requisite for creating a level playing field for all network users and market participants. Overall, a high level of transparency in system and market information is necessary in order to increase competition, remove entry barriers, ensure effective access to gas transmission systems, enhance cross-border trading and minimise information asymmetry and costs for market participants.

Taking into account the requests from network users for further transparency and user-friendliness in TSOs' websites, the Agency developed in 2012 an analysis of transparency in gas markets – monitoring TSOs' compliance with Chapter 3, Annex 1 of Regulation 715/2009 – in cooperation with transmission system operators (TSOs), ENTSOG and national regulatory authorities (NRAs). This analysis has been updated now in view of the 23rd Madrid Forum of April 2013. The analysis presented in this document covers 43 TSOs from 21 EU Member States and takes into account new information received from TSOs in the first quarter of 2013.

In summary, the Agency's inquiry on transparency reveals that TSOs are making remarkable improvements in both the content and the form of the information they publish. A high degree of compliance is currently observed in a majority of areas, namely in the description of transmission system, services and charges; network code and transmission contracts; provisions on capacity allocation (CAM), congestion management (CMP), anti-hoarding and capacity reutilisation; nomination and matching procedures; balancing rules, imbalance charges and rules for connection to TSOs' facilities; planned and actual interruptions; methodology for capacity calculation; technical, booked and available capacities; user-friendly instruments for calculating tariffs; and on those requirements regarding the form of publication.

Significant steps have also been taken in a number of other areas, in which there is still however room for improvement. This applies in particular to information "near real time" (as soon as available to the TSO), in particular concerning actual physical flows; historical information on capacities, nominations, interruptions and physical flows (although TSOs are progressively building up the 5 years prescribed by regulation); flexibility and tolerance levels; and information about the secondary market and for balancing purposes, although relevant improvements are being observed.

It is concluded that, although full compliance is yet to be achieved, the level of transparency is improving substantially as a result of systematic efforts by TSOs, which are acknowledged by network users and market participants. Such efforts will continue in order not only to reach full compliance with the regulatory requirements, but also to offer, in general, to network users and market participants more user-friendly information and more functional websites with easy-to-find data.

In addition, upcoming further transparency obligations – related to congestion management (CMP), capacity allocation (CAM), balancing and tariffs, and to the process for monitoring Network Code implementation – will reinforce the need for enhanced transparency tools and more comprehensive websites and platforms. In view of these upcoming requirements, renewed efforts will be needed by TSOs and in particular by ENTSOG, who has to set up its EU-wide central platform as of 1 October 2013. In parallel, taking into account the updated results of this inquiry, NRAs should continue to analyse the information gaps and outstanding issues in TSO websites in their countries, in order to enforce compliance with the regulatory requirements.

1. Introduction and purpose

Transparency, as a vital element of third party access, allows the potential gas shippers and suppliers to determine in a timely manner relevant data like the available capacity in the network of a system operator, and consequently, compete in the market. Lack of transparency has been identified as the absence of reliable and timely information on the markets, being of particular importance in data relating to network availability and available capacity. To ensure a level playing field, information has to be made available on an equal basis. Unlike the previous legislation, where the issue of transparency was only partially addressed, the Third Package includes binding rules for transparency in the gas market, laying down a number of transparency requirements for market participants such as disclosure of detailed information regarding the services they offer, the relevant conditions applied, technical information necessary for infrastructure users, detailed information on tariff derivation, methodology and structure, information on capacities, forecasts and gas flows in the system, measures taken, costs incurred and revenue generated to balance the system. Such data must be provided in a regular, meaningful, quantifiably clear, easily accessible way and on a non-discriminatory basis. The system operators are also required to keep these data at the disposal of the National Regulatory Authorities (NRAs).

The aim of the present analysis is to show the level of compliance of the transmission system operators (TSOs) with the requirements of Chapter 3, Annex I of Regulation (EC) No 715/2009, of 13 July 2009, on conditions for access to the natural gas transmission networks. This analysis was first carried out over the period between January and September 2012, in cooperation with TSOs and NRAs from EU countries and with the participation of other stakeholders. The results of this first inquiry were presented at the 22nd Madrid Forum in October 2012. This analysis was completed with some additional TSOs over the last quarter of 2012, and has been updated during the first quarter of 2013, in view of presenting this updated state of play ahead of the 23rd Madrid Forum in April 2013.

2. Legal basis

Article 13.1(d) of Directive 2009/73/EC¹ lists among the tasks to be performed by the TSOs their obligation to provide the system users with the information they need for efficient access to the system, while Article 18 of Regulation (EC) No 715/2009² provides a common basic level of transparency by setting out the relevant principles. These provisions cover the area of technical information (Art. 18.1) as well as that of commercially relevant information (Art. 18.2-6), with respect to the publication of available capacity on the network. Moreover, Art. 20 of the Regulation stipulates that system operators are required to retain all information referred to in Art. 18 and the related guidelines for a period of five years.

¹ Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC, OJ, 14.08.2009, L 21194 (hereafter referred to as “the Directive”).

² Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005 – OJ, 14.08.2009, L 21136., (hereafter referred to as “the Regulation”).

The definition of the relevant points in which publications of information must be made and the necessary level of detail are further elaborated in the guidelines annexed to the Regulation, which have been amended since they were first published.

Chapter 3 of Annex I of the Regulation elaborates in detail the technical information necessary for network users to gain effective access to the system, the relevant points where the information has to be published and the time schedule and format according to which this information shall be published. This Chapter establishes in particular a set of transparency obligations on transmission system operators (TSOs) in relation to specific contents (information on system and services, capacity information, actual gas flows, etc.) as well as a set of guidelines on the format of publication, related to its accessibility, user-friendliness and frequency.

The Regulation was amended by Commission Decision of 10 November 2010³, which introduced further and more specific obligations on transparency to TSOs, to be applied as of 3 March 2011. Most recently, the Commission Decision of 24 August 2012⁴ further amended Annex I, introducing several new transparency obligations related to the new guidelines on congestion management procedures (CMP).

Articles 18 and 20 of the Regulation as well as the current version of Chapter 3, Annex I of the Regulation, with all the applicable requirements, are included in a consolidated form in Annex 1 of this report.

Finally, additional provisions on transparency will be included in the Network Codes which are gradually developed, in areas such as capacity allocation, balancing and tariffs. Of particular relevance are the transparency obligations in the Balancing Network Code⁵ and the additional provisions expected to be included in the tariffs Network Code⁶. These provisions, which highlight the importance of transparency and accessibility of the published information by the system users and the market participants, also point to the need for further implementation of the relevant requirements, and will become binding when the Network Codes will enter into force.

In the present inquiry, the Agency has analysed the compliance of TSOs against the transparency requirements set out in the Commission Decision of 10 November 2010.

3. Background and rationale

Transparency is a vital element for well-functioning gas markets and a relevant prerequisite for creating a level playing field for all network users and market participants. Overall, a high level of transparency in system and market information is necessary in order to achieve the following goals:

- Increase competition and remove barriers for new entrants.

³ Commission Decision of 10 November 2010, amending Chapter 3 of Annex I to Regulation (EC) No 715/2009 of the European Parliament and of the Council on conditions for access to the natural gas transmission networks – OJ, 11.11.2010, L 293/67.

⁴ Commission Decision of 24 August 2012, amending Annex I to Regulation (EC) No 715/2009 of the European Parliament and of the Council on conditions for access to the natural gas transmission networks – OJ, 28.8.2012, L 231/16.

⁵ Chapter IX ‘Information provision’ in ENTSOG’s Network Code proposal of 21 February 2013.

⁶ As established in the draft Framework Guidelines on rules regarding harmonised transmission tariff structures for gas, in elaboration by the Agency.

- Ensure effective access to gas transmission systems.
- Enhance cross-border trading and minimise information asymmetry.
- Provide a minimum level of information for all network users and market participants that allows them to perform their activities.
- Enable market monitoring and support decision-making by national regulators and supervisory authorities.
- Allow for lower costs for market participants.
- Provide network users with the information they need in relation to specific system procedures, such as requesting capacity access, contracting network services, capacity booking, nomination of gas supplies, balancing, etc.

Apart from its importance for the functioning of the market, transparency serves broader purposes, related to regulatory oversight of the internal market. Monitoring the implementation of the progress of the internal energy market requires access to reliable and accurate data and information. After the implementation of the internal energy market legislation, however, certain types of data and information have been deemed commercially sensitive and consequently, not made available even to the National Regulatory Authorities⁷. The Agency, while fulfilling its tasks, has identified the need for collection and publication of new types of data, in various areas, including ownership interests, cost data, subsidies, security of supply measures, etc. This is the case, for instance, of statistical information allowing for market monitoring or for the supervision of the implementation of the regulatory provisions of EU legislation⁸, and is equally true with respect to data aggregated at the EU level, as well as information gathered and published at the level of the member states.

The upcoming obligations on transparency are related to congestion management (applicable as of 1 October 2013), included in the Network Codes covering the areas of capacity allocation, balancing rules and harmonised tariff structures, or brought by the future monitoring process of network codes implementation. Data collection of that type requires continuity and commitment to achieve long-term benefits, while improving the quality of the accrued information requires joint effort and agreement on types of data needed, collection methods, and standard reporting format.

The Agency recognises that the previous requirements represent a potentially big challenge for the transmission system operators. Some TSOs⁹ have expressed in recent months their concerns as regards the costs and adverse impact on competition – not only between TSOs, but also for small shippers in contrast to bigger ones, with more resources and thus more capable of processing and using the published data – of disclosing a big amount of information and the need to protect commercially sensitive data in the new requirements set out in the aforementioned upcoming regulatory developments.

⁷ Art. 41.1(i) of the Directive requires national regulatory authorities to monitor the level of transparency and ensure compliance with the transparency obligations.

⁸ Examples of inquiries run by the Agency that would have benefitted from a higher degree of transparency in network-related information are the inquiry on the existence of transit contracts in EU countries and the data collection to assist the development of the Framework Guideline on Gas Tariffs.

⁹ See responses received to ACER questionnaire for the Draft Framework Guideline on Harmonised transmission tariff structures and ACER Open House materials for stakeholder refinement input on the draft Framework guidelines on rules regarding harmonised transmission tariff structures for gas:

http://www.acer.europa.eu/Official_documents/Public_consultations/PC_2012_G_14_responses/Forms/AllItems.aspx

http://www.acer.europa.eu/Media/Events/Open_House_Gas_Tariff/default.aspx

However, the challenge of making available enhanced and more detailed information is expected to be outweighed by the benefits created by the optimised access to the network and the acceleration of market development afforded by the higher level of transparency. It is acknowledged, in particular, that transparency increases the efficiency of the market, allowing the market participants to gain access to information which eventually affects the formation and development of the prices. Effectively, by ensuring an adequate level of transparency on both supply and demand, suppliers shall be able to rely on wholesale markets in order to determine the price for their customers as well as take other types of commercial and investments decisions. Reliable pricing, in turn, shall lead to liquid markets where suppliers can hedge their risks and optimise their supply portfolio. Ultimately, through the enhancements of transparency, efficiency shall increase, while costs for the end users are expected to decrease.

4. Methodology and process

Given the evidence of the lack of certain data in the information published by TSOs, and taking into account the requests from market participants and network users for further transparency and user-friendliness in their websites, in the 20th Madrid Forum in September 2011 the Agency announced its intention to monitor the implementation of transparency rules in Chapter 3, Annex I of Regulation (EC) No 715/2009. ACER committed to carry out this analysis and report back to the Madrid Forum.

The Agency develops this analysis in cooperation with NRAs, who are responsible for ensuring compliance with EU legislation at national level. The process was as follows:

- As a first step, TSOs were asked to complete a questionnaire with a list of questions about the information they publish, following a structure based on the list of the requirements of Chapter 3, Annex I of Regulation (EC) No 715/2009.
- In some cases, the NRAs completed the questionnaire in lieu of TSOs. NRAs checked in any case the questionnaires completed by their respective TSOs.
- After NRAs' check, TSOs' responses to the questionnaires were submitted to public consultation, with the following timeline in each one of the gas regions:
 - North-West region: over the months of November 2011 - January 2012.
 - South region: over the months of March - June 2012.
 - Remaining countries (SSE region and non-GRI countries): August 2012.

The outcome of the previous public consultation processes has been analysed by ACER and the findings contributed to complete the present assessment. Where discrepancies existed between stakeholders and TSOs, ACER identified the underlying causes and shared them with the respective NRA, prompting them to look further into the relevant issues. The results of this first assessment were presented to the Madrid Forum at its 22nd meeting on 2-3 October 2012.

This analysis has been updated in view of the 23rd Madrid Forum in April 2013. NRAs in the NW region were given the opportunity to update the level of compliance of their TSOs during the last quarter of 2012, given the period of time elapsed since they were first completed by TSOs at the end of 2011. Most of these NRAs effectively reviewed and, where necessary, completed the questionnaires until December 2012 with up-to-date information. During the first quarter of 2013, the Agency has received updated information on compliance from transmission system operators (TSOs) through ENTSOG, who has provided very useful cooperation for this process. Finally,

this status report has been shared and submitted to comments by TSOs through ENTSOG and by regulators from EU countries.

ACER analysis covers 43 TSOs from 21 EU Member States (all but Malta, Cyprus, and those where TSOs are not yet bound by transparency obligations in Regulation (EC) No 715/2009¹⁰: Estonia, Finland, Latvia and Luxembourg). The table in the next page shows the list of TSOs analysed and their respective websites.

Table 1. TSOs included in the analysis of transparency compliance and websites

Country	TSO	Website
Austria	TAG	http://www.taggmbh.at
	BOG	http://www.bog-gmbh.at
	GCA	http://www.gas-connect.at
Belgium	Fluxys	http://www.fluxys.com
Bulgaria	Bulgartransgaz	http://www.bulgartransgaz.bg
Czech Republic	NET4GAS	https://www.net4gas.cz
Denmark	Energinet.DK	www.energinet.dk
France	GRTgaz	www.grtgaz.com
	TIGF	http://www.tigf.fr
Germany	Bayernets	http://www.bayernets.de
	Fluxys TENP	http://www.fluxys.com/tenp/de
	Gascade	http://www.gascade.de
	OPAL Gastransport	http://www.opal-gastransport.de
	Gastransport Nord	http://www.gtg-nord.de
	Gasunie Deutschland	http://www.gasunie.de
	GOAL	http://www.goal-tso.de
	GRTgaz Deutschland	http://grtgaz-deutschland.de
	Jordgas	http://jordgastransport.de
	NEL Gastransport	http://www.nel-gastransport.de
	Nowega	www.nowega.de
	ONTRAS	http://www.ontras.com
	OGE	http://www.open-grid-europe.com
Terranets BW	www.terranets-bw.de	
Thyssengas	http://www.thyssengas.com	
Great Britain	National Grid	http://www.nationalgrid.com
	Interconnector IUK	http://www.interconnector.com
Greece	DESFA SA	http://www.desfa.gr
Hungary	FGSZ	http://fgsz.hu
Ireland	Gaslink	http://www.gaslink.ie
Italy	Snam Rete Gas	http://www.snamretegas.it
Lithuania	Lietuvos Dujos	http://www.dujos.lt
Netherlands	BBL (Interconnector)	http://www.bblcompany.com
	GTS	http://www.gastransportservices.nl
Northern Ireland	BGE (UK)	http://www.bordgais.ie
	Mutual Energy	http://www.premier-transmission.com
Poland	OGP Gas-System	http://en.gaz-system.pl
Portugal	REN	https://www.ign.ren.pt
Romania	Transgaz	http://www.transgaz.ro
Slovakia	eurostream	www.eurostream.sk
Slovenia	Plinovodi	http://www.plinovodi.si
Spain	Enagas	http://www.enagas.es
	Naturgas	http://transporte.naturgasenergia.com
Sweden	Swedegas & Svenska Kraftnät	http://www.swedegas.se

¹⁰ Pursuant to Article 49 of Directive 2009/73/EC, of 13 July 2009, concerning common rules for the internal market in natural gas, and to Article 30(2) of Regulation (EC) No 715/2009, of 13 July 2009, on conditions for access to the natural gas transmission networks, TSOs in these countries are conditionally exempted from the application of certain provisions of the Directive and from the application of the Regulation. Article 30(1)(a) of Regulation (EC) No 715/2009 provides that the latter should not apply to TSOs situated in Member States for the duration of derogations granted under Article 49 of Directive 2009/73/EC.

5. Results from the analyses and public consultations in 2012

The results from the inquiry run in 2012 pointed to an overall **high degree of compliance** with the requirements for TSOs in relation to certain types of information, namely: description of transmission system, services and charges; network code, contracts and procedures for interruption; provisions on capacity allocation (CAM), congestion management (CMP), anti-hoarding and capacity reutilization; nomination and matching procedures; balancing rules and imbalance charges; rules for connection to TSOs' facilities; general information on firm and interruptible capacities; user-friendly instruments for calculating tariffs; and form of publication (easy access, user-friendliness, downloadable formats, etc.).

However, **limited compliance** was detected in a number of other areas, in particular: information "near real time" (as soon as available to the TSO), in particular concerning actual physical flows; historical information on capacities, nominations, interruptions, physical flows (in most cases, TSOs are building up the 5 years established in provision 3.3(3) of the Annex); flexibility and tolerance levels; planned and actual interruptions on transmission services; methodology, process and parameters for capacity calculation; and information about the secondary market and for balancing purposes. This information – especially regarding the secondary market – is very much related to the market design, and in many cases an organised secondary market had not yet been developed.

These conclusions could be reached through the **quantitative** analysis conducted, in terms of percentage of compliance by TSOs with the applicable requirements, according to the questionnaires completed by TSOs and checked by NRAs, as well as through the **qualitative** feedback obtained from market participants and system users in several public consultations processes, which took place throughout 2012. The results of the TSOs' self-assessment were submitted to **public consultation** of stakeholders over 2011-2012: in the North-West region, between November 2011 and January 2012; in the South region, in March-June 2012 and in the rest of the countries (SSE region and non-GRI countries), in August 2012. The detailed outcome of these consultation processes (evaluation of responses) can be consulted in Annex 2 to this report.

As demonstrated in the responses received in these public consultations, there seem to be particular issues in relation to the **quality** of information, very variable among different TSOs in terms of format and granularity in the absence of any standards, and with the **timeliness** of publication, as many stakeholders believe that the TSO has information on a within-day or near real time basis which is not made available to the market. Stakeholders also appeared to have a different opinion on the current degree of compliance of TSOs, depending on the region where they are active.

Finally, in a **workshop** organised by ACER on the 13 September 2012, the preliminary results of the inquiry were presented and the feedback and views from stakeholders were received. At the workshop, the main results of ACER's analysis and outstanding issues were broadly confirmed. In addition, further insight on some of the specific problems identified in the analysis and the public consultations was provided, while the participants expressed their views on the ways for the future enhancement of the level of transparency in the internal gas market.

6. Follow-up and update of results for 23rd Madrid Forum

In order to present an accurate and up-to-date picture of the status of transparency compliance at the 23rd Madrid Forum in April 2013, the Agency has asked for new information or improvement in TSOs' compliance during the months of February and March 2013. ENTSOG has provided very useful cooperation in obtaining this updated information from TSOs. In addition, the Agency has submitted the updated results to the views and feedback from the national regulators from the respective countries.

Responding to the Agency request, 29 TSOs out of the 43 analysed have updated their compliance information, and even three new questionnaires have been received. The results of this updated information from TSOs and NRAs are shown hereafter in the following subsections of this report.

6.1. Updated status of transparency compliance in April 2013

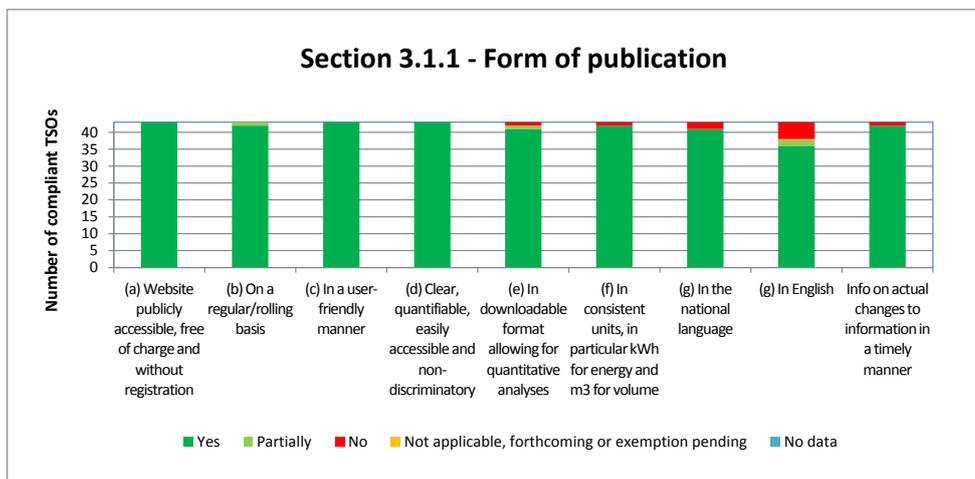
The present section shows the updated results from the inquiry, both in a quantitative way, as percentage of compliance of TSOs against the set of transparency requirements laid down in Chapter 3, Annex I of Regulation (EC) 715/2009, as well as from a qualitative perspective, outlining the main findings and remaining issues identified. The detailed results per country and TSO are presented in Annex 3.

Quantitative analysis of TSOs' compliance

The analysis for each specific requirement on contents, format and time schedule of publication provides the results shown in the following graphs.

It has to be noted that some questions in the questionnaire circulated to TSOs could be answered with “no” without implying non-compliance, e.g. whether the information is published by a third party (in which case, both “no” and “yes” would mean that the TSO is actually compliant). For avoidance of doubt, the answers to these questions have not been considered in the quantitative analysis.

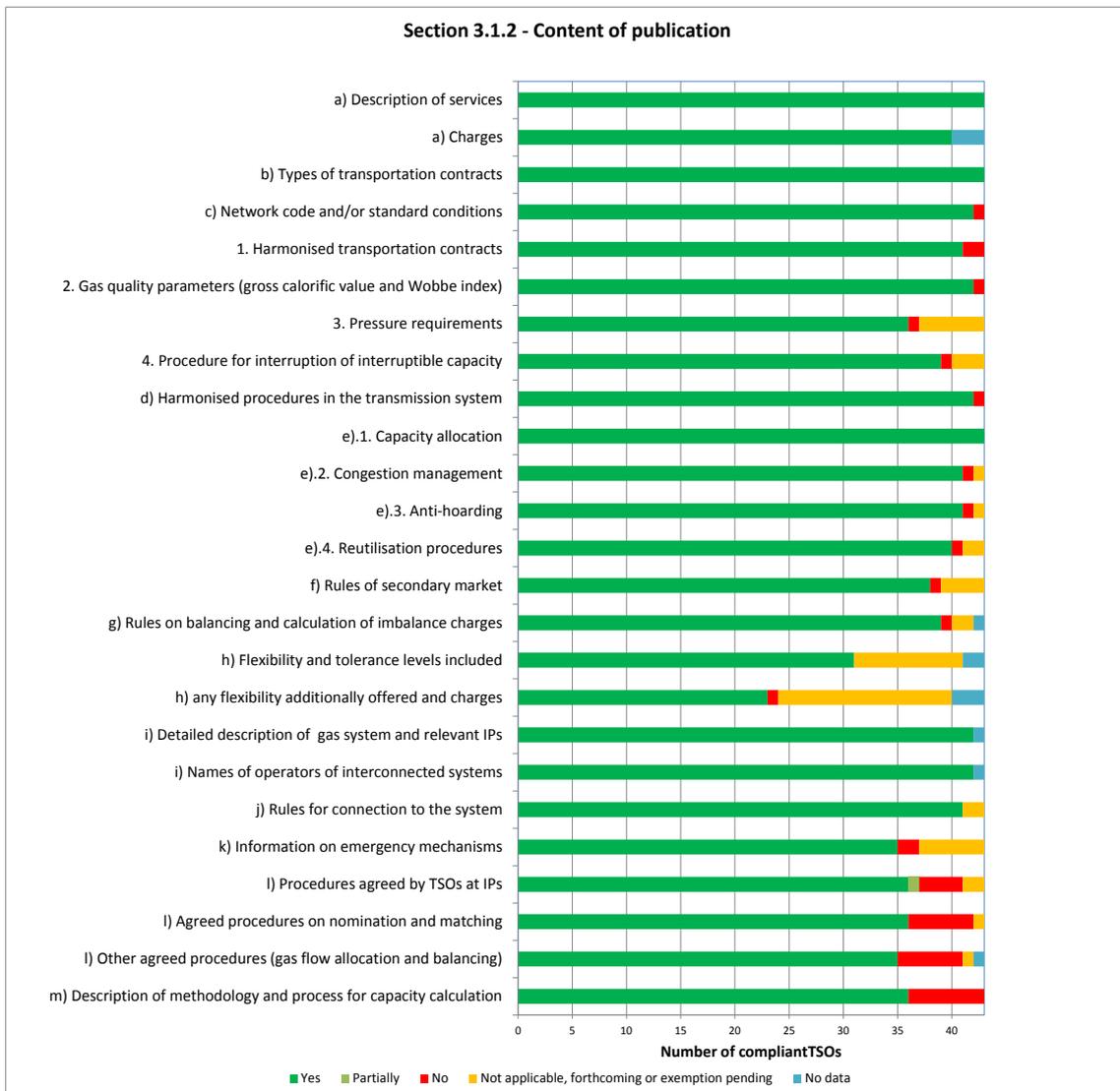
Figure 1. Compliance with Section 3.1.1 of Annex I of Regulation 715/2009 (Form of publication)



The results of this first part of the analysis show that the degree of compliance with the requirements related to form of publication – ease of access to information, user-

friendliness, clarity, publication in English and in standard units for energy and volume – is generally satisfactory. On average, more than 95% of these requirements are fulfilled by TSOs, and only 3% of them have been found non-compliant. Compared to 2012, it has slightly improved (from 95% to 96%). Some issues still remain, however, regarding the publication of information in English, with 5 TSOs which do not comply satisfactorily with this obligation.

Figure 2. Compliance with Section 3.1.2 of Annex I of Regulation 715/2009 (Content of publication)



Compliance with this set of transparency requirements is confirmed to be overall high, with more than 90% of them being met, on average, by TSOs. Most transmission operators publish the description of their system and the services they offer, their charges, the transmission contracts and the applicable network code and other procedures, which are however sometimes only available in the national language.

Compared to 2012, there have been steady improvements in a number of items, such as pressure requirements (86% of TSOs publish them now, vs 80% in 2012). On the other hand, there is still room for improvement in information related to flexibility and tolerance levels, available in only 75% of websites analysed.

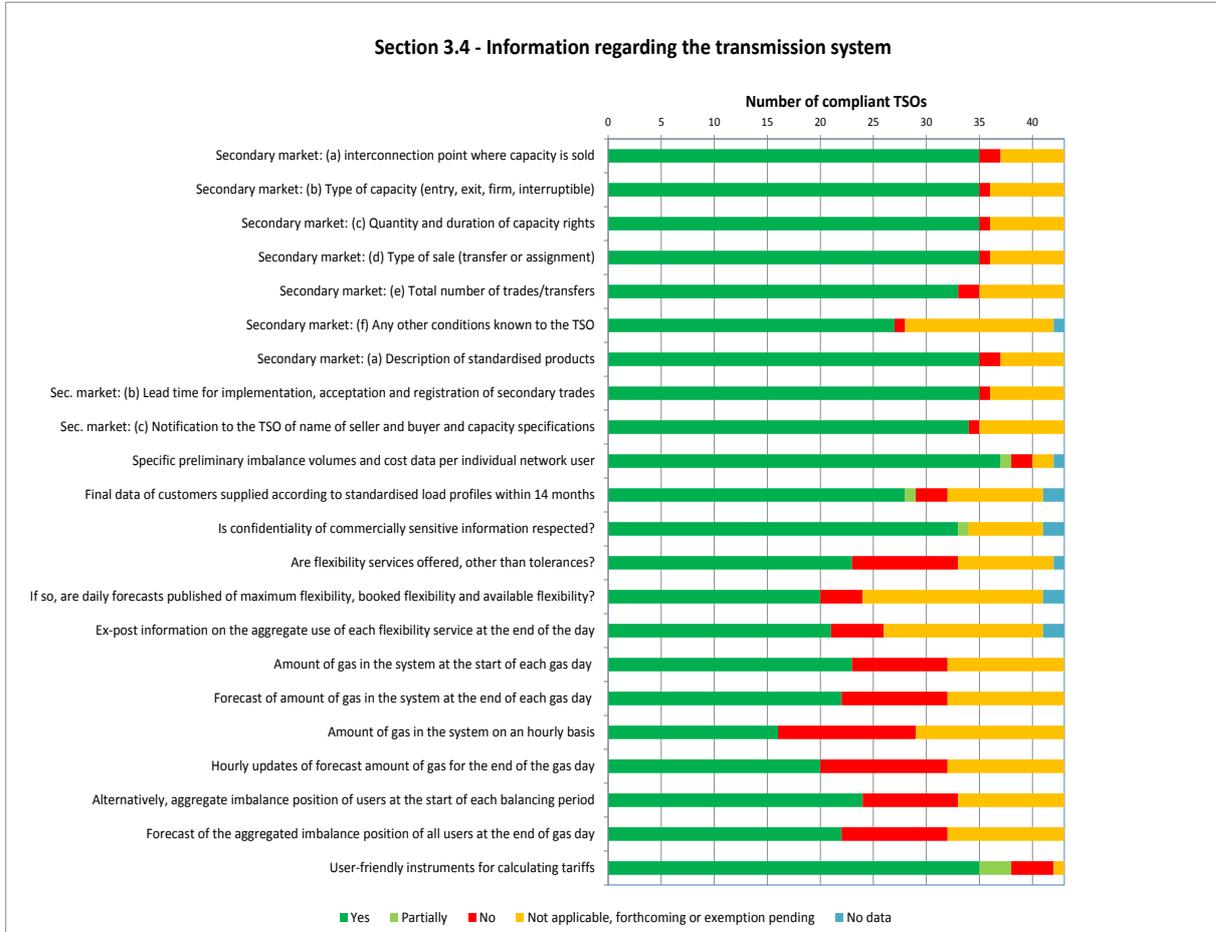
**Figure 3. Compliance with Section 3.3 of Annex I of Regulation 715/2009
(Information to be published at all relevant points)**



As shown in the graph, compliance with this section of the Annex continues to be generally fair, but varies depending on the information considered. Most TSOs publish general information about technical, available and booked capacities in the way established by Regulation 715/2009, but there are still gaps in relation to several aspects, such as aggregated information for single customers and production facilities (where applicable) and historical information (for the past 5 years) on booked and available capacities, nominations and interruptions, which are often available only for the previous years. However, these data are being progressively built-up up and they will cover the 5 years stipulated by the regulation.

Again, improvements can be seen compared to 2012 in a majority of items, with a special mention to information 'near real time' and historical information, where TSOs are doing remarkable efforts. Relevant improvements are also observed in the working formats in order to allow for proper quantitative analyses. It is expected that there will be further improvements in this respect with the entry into operation of ENTSOG upgraded EU-wide transparency platform in October 2013.

**Figure 4. Compliance with Section 3.4 of Annex I of Regulation 715/2009
(Information to be published regarding the transmission system)**



In this last set of transparency requirements the level of compliance by TSOs continues to be not as satisfactory as in the previous sections, although remarkable developments have been made over the last months. Nowadays, more than 75% of TSOs are ready to publish detailed information on the secondary markets (70% at the end of 2012) and about 54% of them on average publish data for balancing purposes, such as the amount of gas in the system at the beginning of the gas day, the forecast at the end of the day or the aggregated imbalance position of all users in the system. This indicator has improved from less than 30% in 2012.

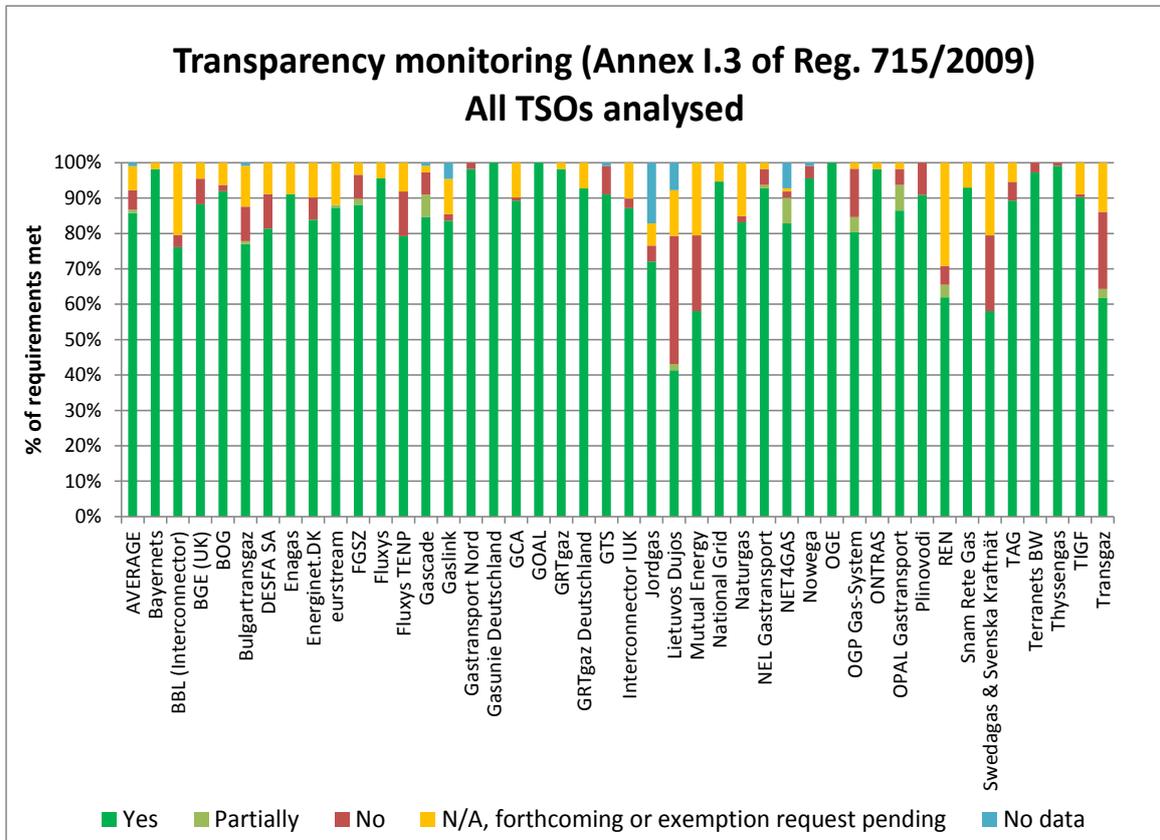
The publication of information on secondary markets is fostered by the centralisation of the publication of data in the website of PRISMA, the capacity allocation platform started in April 2013, which website has been already operational since the beginning of 2013.

Regarding balancing-related information, it is worth mentioning that German TSOs had been granted an exemption by the NRA (BNetzA) from the obligations of publishing these data. As this exemption was of limited duration, expiring on 1 April 2013, the German TSOs have implemented a technical solution in the websites of the German market area operators Gaspool and NCG, in order to fulfil this obligation and improve compliance with these specific requirements.

Level of compliance per country and TSO

Figure 5 below shows the percentage of transparency requirements met by each one of the TSOs analysed:

Figure 5. Level of compliance per TSO with Annex I.3 of Regulation 715/2009



The graph shows that, overall, there is a generally high degree of compliance by a majority of TSOs against the transparency requirements, with nearly 86% of requirements met on average. This percentage would rise to 87% considering also requirements with partial compliance. The percentage of non-compliance is now lower than 6%, and the rest of requirements would be considered not applicable, forthcoming or subject to an exemption request.

This situation represents a significant improvement with respect to the average level of compliance in October 2012, which was about 81%.

The upgrade in information published can also be observed analysing certain compliance thresholds. Out of the 43 TSOs analysed, 20 are above 90% of compliance in April 2013 (15 at the end of 2012), while 33 of them are above 80% (28 in end 2012). Only one TSO does not fulfil yet at least 50% of the requirements. It is particularly remarkable that three TSOs reach already 100% of compliance against the transparency requirements from Chapter 3, Annex 1 of Regulation (EC) 715/2009.

Tables with the detailed results per TSO and per specific requirement – in the format of “traffic light” tables – can be found in Annex 3 to this report.

6.2. Main improvements observed since last Madrid Forum (October 2012)

The Agency has noted several remarkable enhancements with respect to published information and website upgrades, which are worth mentioning, as they reflect the outcome of the efforts made by the TSOs over the last months:

- The 29 TSOs which have updated their information on compliance for this update have indicated the improvements they have made and have provided additional explanations and new or more specific links to facilitate data search.
- In general, improvements have been observed in most TSOs and websites. It is worth highlighting several cases of significant upgrades, such as NET4GAS and Bulgartransgaz, which have considerably improved their degree of compliance. In other cases, TSO efforts have made possible to observe the first cases of 100% compliance: Open Grid Europe, Gasunie Deutschland and GOAL.
- Among the new developments that have improved compliance of many TSOs, it can be highlighted the launch of PRISMA website – which centralises and improves the publication of information on secondary markets – and the new information published in Gaspool and NCG websites related to balancing.
- A particular example of good practice is the creation of standard sections on transparency in TSO websites, following the same structure as the Annex I of Regulation. This makes it much easier for users and market participants to find the relevant information and understand the reason behind any lack of data.
- Specific comment from Enagas: given that they have recently bought the network of Naturgas in Spain, Enagas is currently in the process of including their data on its website. Meanwhile there might be some data missing. However, being Enagas the TSO (system operator and technical manager) of the Spanish network, most of the information was already being delivered on their behalf.
- However, a few outstanding problems are still detected:
 - In a few cases, registration is still necessary to access some contents.
 - Not all information available is available in English (particularly national information is sometimes available only in the national language).

7. Main findings and conclusions

The Agency's inquiry on the compliance with the transparency obligations, as presented in summary in the previous sections, reveals that TSOs are making **remarkable improvements** in both the content and the form of the information they publish. As a consequence, a **high degree of compliance** is currently observed in the following areas:

- Description of transmission system, services offered and associated charges.
- Network code, information on transmission contracts and procedures for interruption of firm and interruptible capacity.
- Provisions on capacity allocation (CAM), congestion management (CMP), anti-hoarding and capacity reutilisation, often available in the Network Code.
- Nomination and matching procedures.
- Balancing rules and imbalance charges.
- Rules for connection to TSOs' facilities.
- Planned and actual interruptions on transmission services.

- Methodology, process and parameters for capacity calculation.
- General information on technical, booked and available capacity, both firm and interruptible.
- User-friendly instruments for calculating tariffs.
- Form of publication (easy access, user-friendliness, downloadable formats, etc.)

Significant steps forward have been made in a number of other areas, in which there is still however room for improvement. In particular:

- Information “near real time” (as soon as available to the TSO), in particular concerning actual physical flows.
- Historical information on capacities, nominations, interruptions, physical flows, although TSOs are progressively building up the 5 years in order to comply with provision 3.3(3) of the Annex.
- Flexibility and tolerance levels.
- Information about the secondary market and for balancing purposes, which is very much related to the market design. Relevant enhancements in this respect are already being observed and further expected with the entry into operation of all functionalities in the website of PRISMA capacity platform.

It is concluded that, although full compliance is yet to be achieved, the level of transparency in the internal energy market is improving substantially as a result of systematic efforts by TSOs, which have been acknowledged by network users and market participants. Such efforts will continue in order not only to reach full compliance with the regulatory requirements, but also to offer, in general, to network users and market participants more user-friendly information as well as functional websites with easy-to-find data. As a consequence, network users shall be able to effectively access the networks, contract their services, book capacities and perform all their tasks and activities related to the transmission systems. Full compliance with the transparency obligations and requirements should remain a priority task for the TSOs, not least as this serves their own interest to provide complete and accurate information to the network users, who are indeed their customers, and eventually, offer their services in the best possible manner.

8. Recommendations and policy priorities

On the basis of the presentation by the Agency of the results of its inquiry on transparency compliance, the 22nd Madrid Forum in October 2012 called for further action to be taken in this field in its conclusion 5:

“The Forum welcomes the work done by ACER concerning the monitoring of compliance with transparency provisions of Regulation (EC) No 715/2009. The Forum invites regulators and the Commission to assess, based on the report, where follow-up legal action is necessary to achieve full compliance with the provisions of the Third Package. The Forum notes that the responsibilities for data provisions lies with TSOs. The Forum invites ENTSOG to present the functionalities of the transparency platform at its next meeting.”

As stated in the previous sections of this report, the status of transparency compliance seems to be improving, but there is still some way to go until achieving a completely satisfactory situation. In addition, upcoming further transparency obligations – related to congestion management (CMP), capacity allocation (CAM) and other future developments such as the Network Code on Tariffs and the process

for monitoring the Network Code implementation – will reinforce the need for enhanced transparency tools and more comprehensive websites and platforms.

In view of these upcoming obligations, renewed efforts will be needed by the TSOs and in particular by ENTSOG, who has to set up its EU-wide central platform as of the 1st of October 2013. There are high expectations as regards the improvements to be brought by this new platform, in terms of user-friendliness, clarity and quality of information published and immediate access to it by network users and market participants. In parallel, taking into account the updated results of this inquiry, NRAs should continue to analyse the information gaps and outstanding issues in TSO websites in their countries, in order to enforce compliance with the regulatory requirements.

In particular, it is expected that the new ENTSOG Transparency Platform will also allow complying as of 1 October 2013 with the new applicable requirements related to the implementation of CMP guidelines¹¹. The Agency will prepare its first monitoring report on congestion at interconnection points on the basis of that information, in order to publish its first edition by 1 March 2014.

In this respect, according to the information received by the Agency ENTSOG working groups have already defined a common interpretation of data requirements and of the harmonised format for monthly information upload (XML file) to the Transparency Platform. The first upload of data is scheduled before the 1 October.

Finally, it is worth reminding one of the examples of good practice pointed out in this report: the publication of information in TSO websites in a standard way, with the same structure as the set of requirements set out in Annex 1 of Regulation 715/2009. This practice is encouraged by the Agency as it makes it much easier for users to find the relevant information, indicate the specific links to each kind of data and understand the reason for any lack of information. A number of TSOs are already publishing data in this way, in a section called “Transparency” in their website, and more TSOs are considering doing so in the near future.

The Agency will continue following up regularly the implementation of transparency requirements by the TSOs and will keep on cooperating with both them and the NRAs in order to identify the outstanding issues and tackle any remaining information gaps. ACER will keep on incorporating the updated results of this analysis in successive ACER/CEER Monitoring Reports.

¹¹ See Annex 1 of this report, requirements (h) to (l) in consolidated text of section 3.3(1) of Chapter 3, Annex 1 of Regulation (EC) 715/2009.

Annex 1 – Transparency provisions in the Third Package regarding gas transmission systems

Articles 18, 20 and Chapter 3, Annex I of Regulation (EC) No 715/2009

(Not official consolidated version¹²)

Article 18

Transparency requirements concerning transmission system operators

1. The transmission system operator shall make public detailed information regarding the services it offers and the relevant conditions applied, together with the technical information necessary for network users to gain effective network access.

2. In order to ensure transparent, objective and non-discriminatory tariffs and facilitate efficient utilisation of the gas network, transmission system operators or relevant national authorities shall publish reasonably and sufficiently detailed information on tariff derivation, methodology and structure.

3. For the services provided, each transmission system operator shall make public information on technical, contracted and available capacities on a numerical basis for all relevant points including entry and exit points on a regular and rolling basis and in a user-friendly and standardised manner.

4. The relevant points of a transmission system on which the information is to be made public shall be approved by the competent authorities after consultation with network users.

5. The transmission system operator shall always disclose the information required by this Regulation in a meaningful, quantifiably clear and easily accessible manner and on a non-discriminatory basis.

6. The transmission system operator shall make public ex-ante and ex-post supply and demand information, based on nominations, forecasts and realised flows in and out of the system. The national regulatory authority shall ensure that all such information is made public. The level of detail of the information that is made public shall reflect the information available to the transmission system operator.

The transmission system operator shall make public measures taken as well as costs incurred and revenue generated to balance the system.

The market participants concerned shall provide the transmission system operator with the data referred to in this Article.

Article 20

Record keeping by system operators

Transmission system operators, storage system operators and LNG system operators shall keep at the disposal of the national authorities, including the national regulatory authority, the national competition authority and the Commission, all information referred to in Articles 18 and 19, and in Part 3 of Annex I for a period of five years.

¹² Following the amendments introduced by the Commission Decision of 10 November 2010, amending Chapter 3 of Annex I to Regulation (EC) No 715/2009 of the European Parliament and of the Council on conditions for access to the natural gas transmission networks, and the Commission Decision of 24 August 2012, amending Annex I to Regulation (EC) No 715/2009 of the European Parliament and of the Council on conditions for access to the natural gas transmission networks.

ANNEX I

3. 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

3.1. Definition of the technical information necessary for network users to gain effective access to the system

3.1.1. Form of publication

(1) Transmission system operators (TSOs) shall provide all information referred to under paragraph 3.1.2 and 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 a downloadable format that has been agreed between transmission system operators and the national regulatory authorities — on the basis of an opinion on a harmonised format that shall be provided by the Agency — and 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 m³ (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 language(s) of the Member State and in English.

(h) all data shall be made available as of 1 October 2013 on one Union-wide central platform, established by ENTSOG on a cost-efficient basis.

(2) Transmission system operators shall provide details on actual changes to all information referred to under paragraph 3.1.2 and paragraph 3.3(1) to 3.3(5) in a timely manner as soon as available to them.

3.1.2. Content of publication

Transmission system operators shall publish at least the following information about their systems and services:

(a) a detailed and comprehensive description of the different services offered and their charges;

(b) the different types of transportation contracts available for these services;

(c) 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);

(d) the harmonised procedures applied when using the transmission system, including the definition of key terms;

(e) provisions on capacity allocation, congestion management and anti-hoarding and reutilisation procedures;

(f) the rules applicable for capacity trade on the secondary market vis-à-vis the transmission system operator;

(g) rules on balancing and methodology for the calculation of imbalance charges;

- (h) if applicable, 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;
- (i) 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;
- (j) the rules applicable for connection to the system operated by the transmission system operator;
- (k) 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 transmission system operator;
- (l) 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;
- (m) transmission system operators shall 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.

3.2. Definition of all relevant points for transparency requirements

(1) Relevant points shall include at least:

- (a) all entry and exit points to and from a transmission network operated by a transmission system operator, with the exception of exit points connected to a single final customer, and with the exception of entry points linked directly to a production facility of a single producer that is located within the EU;
- (b) all entry and exit points connecting balancing zones of transmission system operators;
- (c) all points connecting the network of a transmission system operator with an LNG terminal, physical gas hubs, storage and production facilities, unless these production facilities are exempted under (a);
- (d) all points connecting the network of a given transmission system operator to infrastructure necessary for providing ancillary services as defined by Article 2(14) of Directive 2009/73/EC.

(2) 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), shall be 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 as one relevant point.

(3) Where points between two or more transmission operators are managed solely by the transmission operators concerned, with no contractual or operational involvement of system users whatsoever, or where points connect a transmission system to a distribution system and there is no contractual congestion at these points, transmission system operators shall be exempted for these points from the obligation to publish the requirements under paragraph 3.3 of this Annex. The national regulatory authority may require the transmission system operators to publish the requirements under paragraph 3.3 of this Annex for groups or all of the exempted points. In such case, the information, if available to the TSO, shall be published in an aggregated form at a meaningful level, at least per balancing zone. This aggregation of these points shall for the application of this annex be considered as one relevant point.

3.3. Information to be published at all relevant points and the time schedule according to which this information should be published

(1) At all relevant points, transmission system operators shall publish the information as listed in paragraphs (a) to (g), for all services and ancillary services provided (in particular information on blending, ballasting and conversion). This information shall be published on a numerical basis, in hourly or daily periods, equal to the smallest reference period for capacity booking and (re-)nomination and the smallest settlement period for which imbalance charges are calculated. If the smallest reference period is different from a daily period, information as listed in paragraphs (a) to (g) shall be made available also for the daily period. This information and updates shall be published as soon as available to the system operator (“near real time”).

- (a) the technical capacity for flows in both directions;

- (b) the total contracted firm and interruptible capacity in both directions;
 - (c) the nominations and re-nominations in both directions;
 - (d) the available firm and interruptible capacity in both directions;
 - (e) actual physical flows;
 - (f) planned and actual interruption of interruptible capacity;
 - (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). Planned interruptions shall be published at least 42 days in advance;
 - (h) occurrence of unsuccessful, legally valid requests for firm capacity products with a duration of one month or longer including the number and volume of the unsuccessful requests; and
 - (i) in the case of auctions, where and when firm capacity products with a duration of one month or longer have cleared at prices higher than the reserve price;
 - (j) where and when no firm capacity product with a duration of one month or longer has been offered in the regular allocation process;
 - (k) total capacity made available through the application of the congestion-management procedures laid down in points 2.2.2, 2.2.3, 2.2.4 and 2.2.5 per applied congestion-management procedure;
- (l) points (h) to (k) shall apply from 1 October 2013.
- (2) At all relevant points, the information under paragraph 3.3(1)(a), (b) and (d) shall be published for a period of at least 18 months ahead.
- (3) At all relevant points, transmission system operators shall publish historical information on the requirements of paragraph 3.3(1)(a) to (g) for the past 5 years on a rolling basis.
- (4) Transmission system operators shall publish measured values of the gross calorific value or the Wobbe index at all relevant points, on a daily basis. Preliminary figures shall be published at the latest 3 days following the respective gas day. Final figures shall be published within 3 months after the end of the respective month.
- (5) For all relevant points, transmission system operators shall publish 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. This information shall be updated at least every month or more frequently, if new information becomes available. The publication shall reflect the period for which capacity is offered to the market.

3.4. Information to be published regarding the transmission system and the time schedule according to which this information should be published

(1) Transmission system operators shall ensure the publication on a daily basis and updated every day 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 the TSO. This information shall include the following specifications:

- (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.

In so far such information is provided by a third party, transmission system operators shall be exempted from this provision.

(2) Transmission system operators shall publish harmonised conditions under which capacity transactions (e.g. transfers and assignments) will be accepted by them. These conditions must at least include:

- (a) a description of standardised products which can be sold on the secondary market;
- (b) lead time for the implementation/acceptation/registration of secondary trades. In case of delays the reasons have to be published;

(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).

In so far such information is provided by a third party, transmission system operators shall be exempted from this provision.

(3) Regarding the balancing service of its system, each transmission system operator shall 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. Final data of customers supplied according to standardised load profiles may be provided up to 14 months later. In so far such information is provided by a third party, transmission system operators shall be exempted from this provision. The provision of this information shall respect confidentiality of commercially sensitive information.

(4) Where flexibility services, other than tolerances, are offered for third party access, transmission system operators shall 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. The transmission system operator shall also publish *ex-post* information on the aggregate utilisation of every flexibility service at the end of each gas day. If the national regulatory authority is satisfied that such information could give room to potential abuse by network users, it may decide to exempt the transmission system operator from this obligation.

(5) Transmission system operators shall publish, per balancing zone, the amount of gas in the transmission system at the start of each gas day and the forecast of the amount of gas in the transmission system at the end of each gas day. The forecast amount of gas for the end of the gas day shall be updated on an hourly basis throughout the gas day. If imbalance charges are calculated on an hourly basis, the transmission system operator shall publish the amount of gas in the transmission system on an hourly basis. Alternatively, transmission system operators shall 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. If the national regulatory authority is satisfied that such information could give room to potential abuse by network users, it may decide to exempt the transmission system operator from this obligation.

(6) Transmission system operators shall provide user-friendly instruments for calculating tariffs.

(7) Transmission system operators shall keep at the disposal of the relevant national authorities, for at least 5 years, effective records of all capacity contracts and all other relevant information in relation to calculating and providing access to available capacities, in particular individual nominations and interruptions. Transmission system operators must keep documentation of all relevant information under point 3.3(4) and (5) for at least 5 years and make them available to the regulatory authority upon request. Both parties shall respect commercial confidentiality.

Annex 2 – Outcome of stakeholder public consultations in 2012

Evaluation of responses

Altogether, 21 responses were obtained from the three public consultations run in 2012: 11 in the North-West region, 5 in the South region and 5 in the consultation run in the South South-East region and countries not belonging to the GRI. The main findings and points raised by stakeholders in these public consultations were:

General comments

- Overall, most stakeholders believe that **TSOs generally comply** with the transparency requirements from Section 3, Annex 1, of Regulation 715/2009. They acknowledge the **remarkable efforts** made by operators in recent years and the considerable improvement in information published.
- However, according to many answers there is still **room for improvement** and there are relevant **shortcomings** and deficiencies. In a number of cases, regulatory requirements are not met, or information is provided with delay or in an inconsistent and complex manner, diminishing its usefulness. Some stakeholders don't share in all aspects the overall "green picture" resulting from the TSOs' self-assessment.
- Stakeholders expressed that compliance does not consist only on a "tick list" exercise, and issues are beyond the quantitative analysis. In particular, there is a large **variety** in terms of **quality** of data provided by TSOs in different countries. Differences among regions are also identified. The **wide range of sources** and websites make it difficult for network users and market participants to get homogeneous information across different transmission systems. A **common standard** and a **single transparency platform** are still missing and their set-up would be a relevant improvement.
- Another reason for lack of transparency is that national regulations and country specific processes are spread in many different documents, rarely related to each other. This makes it difficult to understand the specific systems and mechanisms in the different countries. There is evidence that TSOs await sometimes for specific **guidance from NRAs** in order to match the new requirements.

Quality, consistency, frequency and availability of the information

- Despite the overall formal compliance declared by TSOs, there is a **significant variety** in the **quality** of information. Respondents – mainly in the SSE region – have reported the following problems:
 - » **Readiness**: data available on platforms which are too slow or that cannot run with all browsers.
 - » **Timeliness**: in particular concerning data on gas flows. Data are often not updated during the day, but only on D+1 or D+2.
 - » **Completeness**: sometimes data are simply missing, either because they are not made available or considered 'not applicable' by the TSO.
 - » **Consistency** with market design: in some cases the issue is related to the market design, and data are not available because e.g. daily capacity allocation is not foreseen or no market-based balancing – or secondary market – is in place.
 - » From time to time, the duration of data processing is a bit long, e.g. capacity booking in Slovenia up to 45 days. This creates uncertainty and can be structured in a more efficient and transparent way.
- According to several respondents across the three regions, it is essential that TSOs publish data in a consistent way throughout Europe. The multiple sources, individual platforms and technologies from TSOs make it inefficient, time-consuming and difficult to find and process data. **Standardisation** in data publication through an **EU-wide**

transparency platform would allow, in view of the respondents, to link trading systems with TSO platforms.

Accuracy of TSOs' responses

- In view of a majority of respondents, TSOs' answers are **broadly accurate** and reflect the info made available by TSOs, but some believe they don't show the quality in depth (the data resolution). Several stakeholders believe however that TSOs' responses are not always accurate, as TSOs provide single generic links instead of direct specific links, making it difficult to find the information referred to.
- In view of one respondent, although the questionnaire responses accurately indicate which information is made publicly available by each TSO, the data published may not be sufficient to fulfil the goals of Gas Regulation EC/715/2009. In some cases, the information is not sufficiently detailed (i.e. providing daily gas flows but not hourly), complete (number of trades or transfers information) or comprehensive (insufficient description of internal flow or demand centres).
- Finally, several operators stated that there is an implicit degree of subjectivity and interpretation concerning some of the requirements, which makes that the results presented as percentages of positive and negative answers do not reflect the accurate level of compliance in all cases.

User-friendliness of information and free access

- Some respondents believe that most TSOs' websites make information available in a **reasonably user-friendly** way. However, in view of others, the degree of user-friendliness of TSOs' websites and platforms differs considerably. This is particularly noted in terms of quality, as there is no common standard. Stakeholders would advocate for a **quality standard** as well as an **EU-wide transparency platform** centralising all information.
- Some respondents suggest that information should be made public both on an individual basis and on an integrated basis for all TSOs jointly owning a market operator (e.g. GASPOOL and NCG) on the website of this market operator, in the way for example National Grid does. National Grid is referred to as a good example of coherent and easily-accessible information.
- Another good example reported in this area is GTS. The services Dataport and Gasport are considered to be very helpful, although they require an IT certificate.
- With a few exceptions, the information is deemed to be published in a user-friendly manner and available both in pdf and xls formats, allowing for quantitative analyses.

Public access and information free of charge

- Most respondents in the **NW region** confirm that the information provided by TSOs is free of charge. However, in some cases users' registration is needed in order to get access to information. For instance, information on available capacity on Trac-X is accessible only via registration.
- In the case of GTS, services like Gasport, B2B or GEA Click and Book are not free of charge, although the charges are reported not to be high.
- Most respondents in the **SSE region** confirmed that the information is published on TSOs' websites or as sections of the Network Code and available free of charge and without requirements to register or subscribe. Generally there seems to be no issue in this case. However, some TSOs require registration or subscription for access to specific contract information.
- In the **South** region, participants reported that no registration or charge is required in order to access public information from all operators' websites.

- Finally, in some instances data are communicated directly to shippers or posted on dedicated shipper platforms, and therefore is not publicly available.

Availability close to real time

- A number of users in the **NW and South regions** stated that it is **difficult to assess** whether TSOs provide information “*as soon as it is available to the system operator.*” However, they believe that TSOs that are not complying with this requirement should explain why flow data can be published in real time in countries like the UK or Belgium, but not in others like Germany and France. In their view, TSOs throughout Europe should consider how they can share best practices with each other, which would reduce implementation costs and provide users with the best practical standards in the provision of near real time information. Stakeholders encourage regulators to work in order to fully understand the within-day data which TSOs have access to, in order to make it available to network users.
- In opinion of several respondents, only **a few TSOs publish data close to real time**, while most do not. A strong demand is perceived for standardised rules on data publication under a common European transparency platform.
- Some users in the **SSE region** reported that their respective TSOs do publish information as soon as available, or within a reasonable and appropriate timeline, coping satisfactorily with this obligation.
- However, other respondents declared that **most SSE TSOs do not provide real time data** and reported problems with timeliness, in particular concerning gas flows, where data are not updated during the day but maybe only on D+1 or D+2. In their view, flow data should be provided in hourly granularity, being this critical to the transparent balancing of the gas network. A minority of TSOs surveyed (e.g. Bulgarian TSO, Bulgartransgaz) do not even provide the weekend flow data until the beginning of the following week.
- Respondents believe that further work is necessary by NRAs to identify what real-time data TSOs have and make them available to the market.

The responses to the public consultations provided as well with a large number of detailed comments on **specific TSO websites** and questionnaires, which proved very useful to identify discrepancies and mismatches between TSOs’ and stakeholders’ perception of compliance in some aspects.

Article of Annex 1 chapter 3 of Gas Regulation 715/2009	Transparency requirement	Country Code																										
		AT	BE	BG	CZ	DK	DE	ES	FR	GB	HE	HU	IE	IT	LT	NI	NL	PO	PT	RO	SE	SK	SL	GB/NL	GB/B			
3.1.2	Content of publication	AT	BE	BG	CZ	DK	DE	ES	FR	GB	HE	HU	IE	IT	LT	NI	NL	PO	PT	RO	SE	SK	SL	GB/NL	GB/B			
3.1.2 a)	Do you publish a detailed and comprehensive description of the different services offered and their charges?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes			
3.1.2 b)	Do you publish the different types of transportation contracts available for these services?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes			
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:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes				
	1. Harmonised transportation contracts and other relevant documents;	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No				
	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;	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No			
	3. If relevant for access to the system, for all relevant points information on pressure requirements;	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes			
3.1.2 d)	Do you publish the harmonised procedures applied when using the transmission system, including the definition of key terms?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes				
3.1.2 e)	Do you publish provisions on:	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes				
	1. capacity allocation,	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes				
	2. congestion management,	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes				
	3. anti-hoarding, and	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes				
3.1.2 f)	Do you publish the rules applicable for capacity trade on the secondary market vis-à-vis the transmission system operator?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes				
3.1.2 g)	Do you publish rules on balancing and methodology for the calculation of imbalance charges?	No	Yes	NA	Yes																							
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?	NA	NA	NA	Yes																							
	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?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes			
3.1.2 i)	Do you publish the rules applicable for connection to the system operated by the transmission system operator?	Yes	NA	Yes																								
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 transmission system operator?	NA	NA	NA	Yes	No	Yes																					
	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?	Yes	Yes	Yes	Yes	NA	P	Yes																				
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?	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	Yes	No	No	Yes											

Article of Annex 1 chapter 3 of Gas Regulation 715/2009	Transparency requirement	Country Code																							
		AT	BE	BG	CZ	DK	DE	ES	FR	GB	HE	HU	IE	IT	LT	NI	NL	PO	PT	RO	SE	SK	SL	GB/NL	GB/B
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;	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Is this information published on a numerical basis?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Is this information in hourly or daily periods, equal to the smallest reference period?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes							
	Is this information and updates published as soon as available to you ("near real time")?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
	Is this information published for a period of at least 18 months ahead?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	P	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes						
	Do you publish historical information on the technical capacity for flows in both directions for the past five years on a rolling basis?	Yes	Yes	Yes	Yes	P	Yes	Yes	No	P	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes							
	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.	NA	NA	NA	Yes	Yes	Yes	Yes	NA	Yes	Yes	Yes	Yes	Yes	NA	B	Yes	Yes	Yes	Yes	Yes	No	NA	NA	NA
	(b) the total contracted firm and interruptible capacity in both directions	Yes	Yes	Yes	Yes	Yes	B	Yes	No	Yes	B	Yes	Yes												
	Is this information published on a numerical basis?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
	Is this information in hourly or daily periods, equal to the smallest reference period?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes						
	Is this information and updates published as soon as available to you ("near real time")?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	B	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
	Is this information published for a period of at least 18 months ahead?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	P	P	Yes	Yes	Yes	Yes	B	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
	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?	Yes	Yes	Yes	Yes	P	Yes	Yes	Yes	P	P	Yes	Yes	Yes	Yes	B	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
	(c) the nominations and re-nominations in both directions;	Yes	Yes	Yes	Yes	Yes	B	Yes	No	Yes	No	Yes	Yes	Yes											
	Is this information published on a numerical basis?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes	Yes	Yes										
	Is this information in hourly or daily periods, equal to the smallest reference period?	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	No	Yes	NA	Yes	Yes										
	Is this information and updates published as soon as available to you ("near real time")?	Yes	Yes	Yes	Yes	Yes	No	Yes	No	P	P	Yes	Yes	Yes	Yes	B	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes
	Do you publish historical information on the nominations and re-nominations in both directions for the past five years on a rolling basis?	Yes	Yes	Yes	Yes	Yes	No	Yes	No	P	P	Yes	Yes	Yes	Yes	B	Yes	Yes	Yes	Yes	P	No	Yes	Yes	Yes
	(d) the available firm and interruptible capacity in both directions;	Yes	Yes	Yes	Yes	Yes	B	Yes	B	Yes	Yes														
Is this information published on a numerical basis?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	
Is this information in hourly or daily periods, equal to the smallest reference period?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	B	Yes	Yes	
Is this information and updates published as soon as available to you ("near real time")?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	B	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No	
Is this information published for a period of at least 18 months ahead?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	B	Yes	Yes	Yes	Yes	Yes	Yes	P	Yes	Yes	Yes	
Do you publish historical information on the available firm and interruptible capacity in both directions for the past five years on a rolling basis?	Yes	Yes	Yes	Yes	P	Yes	Yes	Yes	P	P	Yes	Yes	Yes	B	Yes	Yes	Yes	Yes	Yes	Yes	P	Yes	Yes	Yes	

Article of Annex 1 chapter 3 of Gas Regulation 715/2009	Transparency requirement	Country Code																																														
		AT	BE	BG	CZ	DK	DE	ES	FR	GB	HE	HU	IE	IT	LT	NI	NL	PO	PT	RO	SE	SK	SL	GB/NL	GB/B																							
		TAAG	BOG	GCA	Fluys	Bulgartanigas	Netgas	Energinet.dk	Bayernets	Fluys TEMP	GASCADE	OPAL-Gastransport	Gastransport Nord	Gasunie Deutschland	GOAL	GRTgaz Deutschland	Jordgas	NEL Gastransport	Nowega	ONTRAS	Open Grid Europe (OGE)	Terranets BW	Thyssenegas	Enagas	Naturgas	GRTgaz	TIGF	National Grid	DESPA	FCSZ	Gaslink	Sham Rate Gas	Lietuvos Dujos	BGE (UK)	Multal Energy	GTS	OGP Gaz-System	REN	Transgaz	Svenska Kraftnat	eurstream	Plinovodi	BBL Company	Intercorridor UK				
3.3 Information to be published at all relevant points and the time schedule according to which this information should be published																												AV																				
3.3.1., 3.3.2. and 3.3.3.	(e) actual physical flows;	Yes	Yes	Yes	Yes	Yes	Yes	B	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	B	Yes	Yes	Yes	Yes	Yes	P	Yes	Yes	Yes	Yes	Yes	Yes	Yes				
	Is this information published on a numerical basis?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		
	Is this information in hourly or daily periods, equal to the smallest reference period?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		
	Is this information and updates published as soon as available to you ("near real time")?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	P	P	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	P	Yes	Yes	Yes	No	Yes	P	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		
	Do you publish historical information on actual physical flows for the past five years on a rolling basis?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	P	P	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	P	Yes	Yes	Yes	No	Yes	P	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes			
	(f) planned and actual interruption of interruptible capacity;	Yes	Yes	Yes	Yes	Yes	B	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes		
	Is this information published on a numerical basis?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
	Is this information in hourly or daily periods, equal to the smallest reference period?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
	Is this information and updates published as soon as available to you ("near real time")?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	P	P	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
	Do you publish historical information on planned and actual interruptions of interruptible capacity for the past five years on a rolling basis?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	P	P	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
	(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).	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Do you publish planned interruptions at least 42 days in advance?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
	Is this information and updates published as soon as available to you ("near real time")?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Do you publish historical information on planned and unplanned interruptions for the past five years on a rolling basis?	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	P	P	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	

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