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Response of Slovenský plynárenský priemysel, a.s. to public consultation paper “Publication of extracts of the European register of market participants”

Slovenský plynárenský priemysel, a.s. (“SPP”) is a multinational energy company with a key position among gas market players in Europe. It is the leader of the natural gas and electricity supply market in Slovakia. On 7 November 2013, the Agency for the Cooperation of Energy Regulators (“ACER”) published the paper on the Publication of extracts of the European register of market participants (“Register”) for public consultation with the possibility for the interested parties to provide comments thereto until 5 December 2013, 12.00 noon, Central European Time. SPP welcomes the possibility to take part in this public consultation and would like to present the following responses and comments to the consultation paper:

1. Information necessary for market participants to complete their registration obligations according to Article 9(1) of REMIT

- a) *Is the scope of data foreseen to be published sufficient for market participants to complete their registration, especially with regard to the information required in Section 4 of the registration format, and thus fulfill their obligation under Article 9(1) of REMIT?*

ACER proposes that “full name of the market participant (Field 101, Section 1) and ACER CODE (Field 121, Section 1)” are made available for the purpose of completion market participants’ registration according to Article 9(1) of REMIT. The scope of data proposed by ACER allows the market participants to complete the registration with respect to data in Section 4 of the registration format. However, market participants may have problems identifying their related undertakings only on the basis of their name and ACER CODE. One cannot exclude that two or more market participants, even not belonging to the same group, registered in the Register have very similar name which may create confusion. We believe that additional data should be published in order to streamline the registration process and ensure that each market participant is able to identify each of its related undertakings. Our suggestions regarding such additional data are set out below.

- b) *In order to identify or verify the identity of a related undertaking, is the publication of information in fields 108 to 110 (address, city, postal code) necessary and appropriate?*

We believe that publication of address, city and postal code will help to identify or to verify the identity of related undertakings registered in the Register and agree that this data should be published in extracts from the Register. However, in some instances, even publication of address, city and postal code could not be sufficient to identify or verify the identity of related undertakings as address is not a unique identifier itself.

- c) *Is the publication of other company’s identifier such as VAT Number in field 112 or the codes in fields 113 to 116 (EIC, BIC, LEI, GS1) or 118 (trade register) necessary and appropriate (please take into consideration that they might not be available for all market participants)?*

Identification of VAT Number and trade register data may help to identify or to verify the identity of related undertakings in some instances, however, identification based on VAT Number could be hampered if related undertakings are part of the same VAT group. As a general rule, this information is already public in all jurisdictions and therefore the publication would be appropriate and useful. Publication of EIC, BIC, LEI, GS1 can also be helpful with respect to identification of related undertakings even though these identifiers are not available to all market participants. We believe that there are no reasons why such information should not be published.

- d) *Do you believe that the scope of data to be published from the European Register should be increased or decreased?*

The scope of data to be published in the Register proposed by ACER should not be decreased. We believe that the scope should be rather increased to make the registration process as simple as

possible and to avoid potential confusion. When determining the scope of published information, the following considerations should be taken into account:

- commercially sensitive information shall not be published;
- publication of information from the Register shall not distort competition on the energy markets;
- data protection requirements should be observed.

None of the information that should be published in the extracts from the Register can be considered as commercially sensitive and such information can neither be inferred. In this respect, information in Section 2, Section 3, Section 4 and Section 5 stipulated in Annex 1 to ACER Decision 01/2012 relating to the registration format should not be publicly available. Publication of the extracts from the Register has no potential to distort competition and data protection rules are complied with. Security of data provided by market participants has to play a key role in all phases of registration of market participants.

We understand that technical aspects of establishment of Register as well publication of extracts from it is not within the scope of this public consultation. However, it is necessary that the Register would be available publicly to all interested parties in a non-discriminatory and user friendly manner. It ought to be possible to search the publicly available information about market participants in the Register on a basis of one or more different and even not particular data (e.g. name of market participant, state where the market participant is resident, ACER CODE, trade register number, etc.).

2. Information to improve the transparency of wholesale energy markets

a) *Is the scope of data foreseen to be published for transparency purpose appropriate?*

ACER proposes that information in fields 107, 111, 119, 120 and 123 should be published for transparency purposes. We agree with publication of all information proposed by ACER.

b) *Do you believe that the scope of data to be published from the European Register for transparency purpose should be increased or decreased?*

In order to achieve higher level of transparency of the energy markets the scope of data should be increased. In addition to the fields proposed by ACER and those specified in answers to question 1. above, we also believe that information in fields 102, 103 should be published. All the considerations specified in answer to question 1. letter d) were observed.