



## **Public Consultation on the methodology for implementation monitoring and evaluation of the impact of the gas Network Codes and Guidelines on the internal gas market**

Fields marked with \* are mandatory.

### **Introduction**

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From 12 June 2015 to 10 July 2015 the Agency for the Cooperation of Energy Regulators ('ACER', 'the Agency') is running a public consultation on the future methodology for implementation monitoring and evaluation of the impact of the gas network codes and guidelines on the internal gas market.

Article 9 of Regulation (EC) No 715/2009 lays down rules for the Agency to monitor and analyse the implementation of the network codes and the Guidelines adopted by the European Commission. Under the article the Agency is responsible for assessing the effects of the codes in facilitating market integration, as well as on non-discrimination, effective competition and the efficient functioning of the market.

Based on Article 10 of Regulation (EC) No 713/2009 the Agency presents for public consultation the consultancy study from Cambridge Economic Policy Associates (CEPA), commissioned by the Agency, which proposes a methodology to be used for implementation monitoring and evaluation of the impact of the gas network codes and guidelines on the internal gas market.

In order to test and improve the outcome of the study the Agency invites stakeholders to share their views on this work, in particular on the proposed indicators. Well founded comments which will lead to improvements of the report outcome in particular the proposed indicators will be taken into account by CEPA in its final compilation of the study.

The Agency invites stakeholders to reply to the following questions.

## Contact details

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\*1 Family name, first name

\*2 Email

3 Name of organisation

\*4 Area of activity

- Shipper or energy trading entity
- Interconnector
- Storage
- LNG
- Distribution
- Producer
- End-user
- Transmission system
- Other

## Consultancy Study

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6 Do you consider the methodology well founded? If not, what should be improved? (Chapters 1-4)

PGNiG would like to submit some general comments in the subject:

1. Using all market data

We support an approach that using all market data in order to monitor the energy market in the proper way is essential. However we would like to stress that there are other regulations, both on the EU and national level, which provide market users with requirements in terms of information duty.

As a company listed on a stock exchange, PGNiG is obliged to meet the national regulations that comply with the EU ones, including Transparency Directive (2013/50/EU amending 2004/109/EC) and Market Abuse Directive (2003/6/EC). In that context the methodology used for assessing Network Codes and Guidelines should take into account information duty coming from the above mentioned regulations. Especially dates and scope of information should be consider.

Another aspect in the case refers to the access to commercially sensitive information, that is pointed on the page 12. We would like to pay attention specially to gas import agreements with partners from third countries. Disclosure of that data is restricted by provisions of the contract. Access to that information is regulated now by the EU law: mainly by SoS regulation (994/2010) and IGA Decision (994/2012/EU). The methodology for assessing Network Codes and Guidelines should take into account the regulations mentioned as well as the outcome of ongoing revision of the documents in terms of disclosure of information.

2. Taking into account the regional specificity of the market

The methodology is focused on results. However the performance characteristics of individual markets are missed. In our opinion, there is no attempt to estimate the costs and profits, which the market gains as a result of the changes.

The regional specificity of the market should be taken into account in order to define in a proper way the market performance. It would reflect real activity of the stakeholders on the regional market.

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7 Do you consider the **network code indicators** fit for purpose? (Please describe for which set of indicators you provide comments.) (Chapters 5,7)

- The proposed sets of indicators are **complete**
- The proposed sets of indicators are **incomplete** (please suggest indicators to be added)
- The proposed sets of indicators are **overcomplete** (please suggest indicators to be removed)

11 Do you consider the **high-level policy goal indicators** fit for purpose? (Please describe for which set of indicators you provide comments.) (Chapters 6,7)

- The proposed sets of indicators are **complete**
- The proposed sets of indicators are **incomplete** (please suggest indicators to be added)
- The proposed sets of indicators are **overcomplete** (please suggest indicators to be removed)

15 Do you agree with the performance evaluation of the indicators? If not, please suggest an alternative evaluation. (Chapter7)

16 Do you consider the data sources proposed by the consultancy study adequate? If not, please suggest alternative data sources. (Chapter7)

17 Do you find the proposed implementation timelines of the methodology feasible? If not, please suggest how it can be improved. (Chapter 8)

18 Do you consider the description of the indicators in the Annex clear and the execution of the indicators easy to understand? If not, please suggest how it can be improved. (Annex A)

19 Overall, do you consider that the methodology would be suitable to meet the objectives of Article 9 of Regulation (EC) No 715/2009?

20 Are there any other views you would like to share with ACER in this context?

## Background Documents

CEPA study (/eusurvey/files/4f0fdd27-3241-4363-bbe3-31a256747f1e)

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## Contact

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