

ERGEG Public Consultation on Fundamental Electricity Data Transparency

Evaluation of responses

**Ref: E10-ENM-27-03a
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INFORMATION PAGE

Abstract

On 9 September 2010, EREG launched a public consultation on its Draft Comitology Guidelines on Fundamental Electricity Data Transparency (Ref. E10-ENM-02-07). The report outlined EREG's draft advice following a request from the European Commission and as a result of the close cooperation on this issue with ENTSO-E during February to September 2010.

This document (E10-ENM-27-03a) accompanies the final EREG advice (E10-ENM-27-03) and provides the evaluation of the responses received to the public consultation on the draft advice.

Target Audience

Transmission system operators, distribution system operators, energy suppliers, traders, electricity customers, electricity industry, power exchanges, academics, and other interested parties and their representatives are the target audience for this discussion paper.

Treatment of Confidential Responses

No requests concerning confidentiality were received

Related Documents

CEER/EREG documents

- [1] EREG Advice on the Comitology Guidelines on Transparency, Initial Impact Assessment, 7 December 2010 update, Ref. E10-ENM-05-01, http://www.energy-regulators.eu/portal/page/portal/EER_HOME/EER_CONSULT/CLOSED%20PUBLIC%20CONSULTATIONS/ELECTRICITY/Comitology%20Guideline%20Electricity%20Transparency/CD/E10-ENM-05-01_FEDT%20IIA%20update_7-Dec-2010.pdf
- [2] EREG, Guidelines of Good Practice on Information Management and Transparency in Electricity Markets, 2 August 2006, Ref. E05-EMK-06-10, http://www.energy-regulators.eu/portal/page/portal/EER_HOME/EER_PUBLICATIONS/CEER_EREG_PAPER/Guidelines%20of%20Good%20Practice/Electricity/EREG_GGPIMT%20Transparency%20in%20Electricity%20Markets%20-%20Augus.pdf
- [3] Report on Transparency, 13 September 2007, Electricity Regional Initiative, Northern Regional Electricity Market, http://www.energy-regulators.eu/portal/page/portal/EER_HOME/EER_INITIATIVES/ERI/Northern/Final%20docs/Report_on_Transparency1.pdf

- [4] "Implementing the 3rd Package: next steps", CEER/ERGEG, 18 June 2009, Ref. C09-GA-52-06a, http://www.energy-regulators.eu/portal/page/portal/EER_HOME/EER_PUBLICATIONS/CEER_ERGEG_PAPER/Cross-Sectoral/2009/C09-GA-52-06a_Implementing_3rdpackage_18-Jun-09.pdf

External documents

- [1] Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:211:0055:0093:EN:PDF>
- [2] Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:211:0001:0014:EN:PDF>
- [3] Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:211:0015:0035:EN:PDF>

1. Introduction

1.1. Recap of the ERGEG consultation paper

This document contains ERGEG's evaluation of the comments received during the ERGEG public consultation of ERGEG's draft advice on the Fundamental Electricity Data Transparency Comitology Guideline.

The public consultation was held from 9 September to 28 October 2010. The purpose of the public consultation was to take market participants' views into account when providing the final advice to the European Commission on fundamental electricity transparency guidelines, which would then allow the Commission to make guidelines legally binding through the comitology procedure.

1.2. Questions for Public Consultation

In addition to inviting stakeholders and market participants to provide general comments to the consultation and to participate in discussions on the document, ERGEG asked the respondents a number of specific issues related to the scope and applicability of the document.

The respondents were invited to provide comments on the following questions:

1. Are there additional major problems or policy issues that should be addressed by the draft Comitology Guideline on Fundamental Electricity Data Transparency?
2. What timescale is needed to implement the Comitology Guideline on Fundamental Electricity Data Transparency seen from your organisation's point of view?
3. Do you see a need for a more firm specification of the role of each market participant in delivering transparency data to the TSO/information platform in the Comitology Guideline on Fundamental Electricity Data Transparency?
4. Do you see a need for more firm specification of the role of the TSO in collecting data in the Comitology Guideline on Fundamental Electricity Data Transparency?
5. Taking into account the interface between wider transparency requirements and the costs of data storage, do you consider storage of basic data for 3 years, to be made available for free, as sufficient?
6. Are the suggested market time units for information reporting and publication requirements adequate and compatible with wider transparency in a European perspective?
7. How do you see the costs and benefits of the proposed transparency framework for fundamental data in electricity? If possible, please provide qualitative and/or quantitative evidence on the costs and benefits or ideas about those.

Annex 1 – ERGEG

The Council of European Energy Regulators (CEER) is a not-for-profit association in which Europe's independent national regulators of electricity and gas voluntarily cooperate to protect consumers' interests and to facilitate the creation of a single, competitive, efficient and sustainable internal market for gas and electricity in Europe. CEER acts as a preparatory body for the European Regulators Group for Electricity and Gas (ERGEG).

ERGEG is the European Commission's formal advisory group of energy regulators. ERGEG was established by the European Commission, in November 2003, to assist the Commission in creating a single-EU market for electricity and gas. ERGEG's members are the heads of the national energy regulatory authorities in the 27 EU Member States.

The work of CEER and ERGEG is structured according to a number of working groups, composed of staff members of the national energy regulatory authorities. These working groups deal with different topics, according to their members' fields of expertise.

This report was prepared by a drafting team under the Electricity Network and Market Task Force (ENM TF) of the Electricity Working Group (EWG).

Annex 2 – List of abbreviations

Term	Definition
ACER	Agency for Cooperation of Energy Regulators
ATC	Available Transfer Capacity, defined by the ETSO method
CEER	Council of European Energy Regulators
CESR	Committee of European Securities Regulators
CG	Comitology Guidelines
CM	Congestion Management
CRE	Commission de Régulation de l'Energie (French NRA)
DG COMP	(European Commission) Directorate General for Competition
DG ENER	(European Commission) Directorate General for Energy
DSO	Distribution System Operator
EFET	European Federation of Energy Traders
ENTSO-E	European Network of Transmission System Operators – Electricity
ERGEG	European Regulators Group for Electricity and Gas
ERI	(ERGEG) Electricity Regional Initiative
ETSO	Association of European Electricity Transmission System Operators)
Eurelectric	The Union of the Electricity Industry
EuroPEX	Association of European Power Exchanges
FB	Flow-based
FG	Framework Guidelines
GGPIMT	Guidelines of Good Practice for Information Management and Transparency
IEM	Internal Electricity Market
NRA	National regulatory authority
NTC	Net Transfer Capacity, defined by the ETSO method
OTC	Over-The-Counter trading is to buy and sell products such as commodities or derivatives directly between two parties, as opposed to exchange trading, which occurs via facilities constructed for that purpose (exchanges).
PCG	Project Coordination Group
REM	Regional Energy Market
TC	Transfer Capacity
TRM	Transmission Reliability Margin
TSO	Transmission System Operator
TTC	Total Transfer Capacity
TWG	Transparency Working Group

Table 1 – List of Abbreviations

Annex 3 – Evaluation of Responses

Responses received

Responses were received from the following stakeholders and organisations:

Organisation			Country of origin
AEP	1	Association of Electricity Producers	UK
BDEW	2	Association of energy and water companies	Germany
BNE	3	Bundesverband Neuer Energieanbieter	Germany
CEDEC	4	Fed of local energy companies	Belgium
CEZ a.s.	5	Czech Power Company	Czech Republic
EDF Energy	6	Energy company	France
EDF	7	Generator and supplier	France
EFET	8	European Federation of Energy Traders	EU
Elxon	9	Balancing and Settlement Code administrator	U.K.
ENTSO-E	10	European Network of Transmission System Operators for Electricity	EU
ENW	11	Electricity North West	UK
EURELECTRIC	12	Union of the European electricity industry	EU
EuroPEX	13	Association of European Power Exchanges	EU
GEODE	14	Association of European independent gas and electricity distribution companies	EU
GPX office	15	Provider of transparency in energy sources and technology to consumers	The Netherlands
Iberdrola	16	Energy company	Spain
IFIEC and CEFIC	17	International Federation of Industrial / Chemical Energy Consumers	EU
IFN	18	University of Stockholm	Sweden
Nordenergi	19	Nordic Energy Association	Denmark/Nordic
Oesterreichs energie	20	Association of Austrian Electricity Companies	Austria
OTE	21	Electricity and Gas Market Operator	Czech republic
REF	22	Renewable Energy Foundation	U.K
RWE	23	Supply and Trading	Germany
Shell	24	Energy company	The Netherlands
Statkraft	25	Energy company	Norway
Swissgrid	26	Transmission System Operator	Switzerland
UFE	27	Union Française de l'Électricité	France
VKU	28	Verband Kommunalen Unternehmen e-V	Germany
Edison	29	Energy company	Italy
EH	30	Public Power Corporation S.A.	Greece
EnBW	31	Energie Baden-Württemberg AG	Germany
Centrica	32	Generator, Supplier	U.K
EON	33	Generator	Germany

Evaluation of Responses to the Questions from the Consultation

Question/Issue	Respondents' Feedback	ERGEG's position
General issues		
Question 1: Are there additional major problems or policy issues that should be addressed by the draft Comitology Guideline on Fundamental Electricity Data Transparency?		
Centralised / De-centralised platforms	<p>Some respondents suggest that existing regional platforms should be harmonised so that market participants only submit data at a regional level which is then transferred to the central European platform.</p> <p>Several respondents point out that the central European platform should build upon the standards achieved on existing regional platforms (allowing at least the coexistence of the proposed central European platform and those at the national/regional level).</p> <p>One respondent points out that the guidelines should set out the required data but should not constrain who delivers that data to the central platform.</p> <p>One respondent suggests that any obligation to provide data should be fulfilled once the data is sent to just one of the transparency platforms (either regional or centralised) and that this data should then be harmonised between platforms.</p>	<p>This proposal is not within the framework of the task given to ERGEG from the European Commission.</p> <p>ERGEG recognises the possible efficiency gains by avoiding duplication of the information to be provided.</p> <p>ERGEG would recommend that data are delivered from the obliged, national TSO to the central European platform. However, ERGEG would not prescribe in detail how this process should be assessed in each Member State.</p> <p>According to the task given to ERGEG, the scope of these guidelines is to establish a European platform with common definitions. A common European transparency platform does not exclude that other already existing transparency providers exist in parallel.</p>
Costs and time frames	<p>Some respondents ask for more information to be provided in the draft Comitology guidelines on the costs of implementing a central European platform. One calls for further information on the cost recovery process setting out who should bear the costs of implementation. Some respondents also ask for a more detailed process map for implementation and a larger role for the Agency in monitoring the implementation process.</p> <p>One respondent suggests that the success of a central European platform requires a gradual approach to implementation which is set out in advance and clearly monitored.</p>	<p>The cost assessment has been provided in the Impact Assessment under different scenarios.</p> <p>The amended guidelines don't foresee a gradual implementation except in the case of implementing the transparency requirement related to the definition of total load</p>

Question/Issue	Respondents' Feedback	EREG's position
Data definitions/ provision	<p>With respect to data definitions, respondents call for specific definitions and explanations of various pieces of data to provide extra clarity to the process. In particular, further definitions of the terms 'fundamental data', and descriptions of the way congestion is calculated and bottlenecks identified.</p> <p>One respondent calls for more information on the process for updating data if errors are made in original submissions and a process for dealing with market participants who fail to provide data. One respondent also suggest that the guidelines should specify the procedure for circumstances where TSOs are not allowed to publish certain information due to national legislation or national regulatory decisions.</p> <p>Some respondents call for more emphasis on data quality and reliability in the framework guidelines.</p>	<p>EREG agrees and according to the amended guidelines proposes that the European definitions are developed and processes by ENTSO-E and consulted with relevant stakeholders. Furthermore, that compliance is a duty of regulators and the Agency for cross-border issues.</p> <p>Data will be provided on a best effort and inserting measures to deal with failure of delivering data, or not updating data, when required, should be a task of the European Commission.</p> <p>The amended guidelines will be legally binding after comitology procedures which will imply that the guidelines will be legally binding in every Member State.</p> <p>Data quality and reliability will be the result of the developed definitions, the obligations in the guidelines, the transparency management and monitoring.</p>
Governance	<p>Many respondents suggest that more information is required on the definition of responsibility for data disclosure, collection and publication and that more general information on the governance process should be further clarified suggesting that a more detailed governance process would help to streamline the co-operations between stakeholders.</p> <p>One respondent suggests that the guidelines should define powers for regulators to ensure compliance with the guidelines, with another calling for a process for dealing with non-compliance of market participants in providing data to TSOs.</p> <p>Many respondents call for the Agency to have a coordination role in the implementation of the guidelines with regional assistance from NRAs.</p>	<p>The present consultation should ensure the participation of the stakeholders in the process. The guideline will then be submitted to the Comitology procedure for approval. Furthermore, EREG has also in the amended guidelines suggested that market participants are consulted in the process of developing the definitions subject to approval by the Agency.</p> <p>The first issue is taken into account in the amended proposal. Possible non-compliance measure should be handled by the European Commission. However, monitoring by the national regulators and the Agency for cross-border matters is proposed by EREG.</p> <p>Part of the proposal in implementing the transparency requirements is to take regulators and the Agency into account. Where relevant in a European context, the regional aspect will be perceived.</p>

Question/Issue	Respondents' Feedback	ERGEG's position
Question 2: What timescale is needed to implement the Comitology Guideline on Fundamental Electricity Data Transparency seen from your organisation's point of view?		
Timescale	<p>Some respondents suggest that implementation should not exceed, or should be expected to take place within a period of 2 years and some respondents suggested that implementation will take at least 2 years.</p> <p>However, other respondents suggest that implementation should take place as soon as possible as most of the data required in the framework guidelines is already available.</p>	<p>The timescale for implementation is an issue of the European Commission to decide upon. ERGEG has, as already mentioned, proposed a step-wise approach only in the case of implementing total load.</p>
Implementation	<p>Other respondents agree that implementation will depend on the current publication requirement in each Member State and that implementation timescales will depend on specific details of data provision included in the guidelines, such as: clarity of definitions, level of aggregation and frequency of disclosure and clarity around the roles and responsibilities of stakeholders.</p> <p>One respondent suggested that more detailed data types could be provided in phases to ease implementation. Another respondent also suggested that the harmonisation of regional platforms and information could commence before the approval of the framework guidelines. However, it was also noted that the quality of data provision under the guidelines was more important than speed of implementation.</p>	<p>According to the ERGEG proposal, ENTSO-E will be responsible for processing the definitions of the transparency requirements in close cooperation with market participants and subject to an opinion of the Agency. According to ERGEG's opinion, the proposed process is expected to deliver the requested results.</p> <p>A step-wise approach is suggested by ERGEG in the case of total load; however this is an issue for the Commission to decide upon. ERGEG does not consider a more detailed approach in the interim period before implementation to ease the process. As regional platforms in most cases are not regulated entities, ERGEG does not consider it possible to harmonise regional platforms in the interim period.</p>

Question/Issue	Respondents' Feedback	EREG's position
Question 3: Do you see a need for more firm specification of the role of each market participant in delivering transparency data to the TSO/information platform in the Comitology Guideline on Fundamental Electricity Data Transparency?		
Liability	<p>The general view in the responses received is that more clarity is needed on the specification of the role of each market participant as well as their respective responsibilities.</p> <p>Many respondents also suggest that data owners should be required to act on their best endeavours and should not be liable in the case of unintended inaccuracies in data submissions. However, one respondent suggested that the original data owner should be made primarily responsible for publishing their data.</p> <p>Some participants suggest that the framework guidelines need to establish a clear distinction between the owner of the information and the controller of the centralised platform. In particular, one respondent calls for a clearer definition and role for the 'primary owner of the data' and the 'data provided' as the owner of the data will not always be responsible for its publication.</p>	<p>EREG agrees and has clarified the roles and the obligations of each market participant in the amended version of the guidelines.</p> <p>According to the amended guidelines, the EREG proposal implies that each relevant market participant is obliged to deliver his data to the TSO according to best efforts.</p> <p>Whether the primary data owner should be legally responsible of the quality of the data provided to the central platform would basically be an issue to be clarified by the European Commission.</p> <p>EREG considers that the topic of the primary owner of the data and the data provider is addressed in the amended guidelines where the obligation on each market participant is now clarified.</p>
Governance and data quality	<p>Respondent calls for a greater role for NRAs and the Agency in monitoring data provision with a particular focus on the quality of information provided to the centralised platform so that a common level of data quality can be achieved across Member States.</p> <p>Another respondent suggests that the platform owner should provide plausibility checks to ensure data legitimacy.</p>	<p>Also in the amended version of the guidelines it is proposed that both national regulators and the Agency will monitor the implementation of the guidelines.</p>
No need for additional specification	<p>One respondent suggests that there is no need for a detailed reporting and publication obligation.</p>	<p>As highlighted by other respondents, a clearer definition of roles and responsibilities is added in the amended guidelines.</p>

Question/Issue	Respondents' Feedback	ERGEG's position
TSOs and market intervention	Two respondents point out that in some countries TSO's has a role in trading renewable generation and it may need to be considered further as it may not be compatible with the system set out in the framework guidelines.	In some countries TSOs are obliged to intervene in the market according to national law either by selling renewables or by balancing of renewables, f.i by placing price independent bids on the regional PXs. It could be flagged on the central platform when the TSOs intervene in price formation, although an important issue, ERGEG does considered this phenomena a general issue to be addressed on the central platform.
TSO / DSO distinction	One respondent sees a need to define the distinction between data required for the transparency platform and data required to operate the networks and that data exchange between DSOs and TSOs should be more clearly defined.	According to the amended guidelines and ERGEG's position, the aim of transparency in the amended guidelines is to address drivers of price formation.

Question 4: Do you see a need for more firm specification of the role of the TSO in collecting data in the Comitology Guideline on Fundamental Electricity Data transparency?		
Overview	11 of the answers received are against a stronger / more specified role for the TSO in the data collection process. Whereas, 16 respondents agree that a firmer specification of the role of the TSO is required in the framework guidelines.	The guidelines have been amended accordingly
General comments	<p>Some respondents expressed concern that TSOs could have a 'monopoly on the collection and publication of information' with some suggesting that other independent bodies such as power exchanges could take a key role in the publication of transparency data as they do not have a direct commercial interest in the market.</p> <p>Furthermore, one respondent suggests that allowing TSOs access to additional market information is not appropriate in a market where TSOs act as competitors in balancing, RES integration or purchase of losses. Therefore, they also agree that a preferred method would be to submit data to a natural party such as a power exchange.</p> <p>Some respondents also agree that the aim of the guidelines is to increase transparency and not provide TSOs with additional operational data and therefore the responsibility for collecting data should not necessarily sit with TSOs and that there should be other channels available to submit data to the central platform.</p>	<p>In the amended guidelines, it is proposed that the European transparency platform will be monitored by national regulators and the Agency</p> <p>Dealing with national obligations on TSOs to intervene in price formation e.g. to balance wind on laying price independent offers in the market is not a subject of these guidelines.</p> <p>The TSO is the regulated entity and therefore the natural rapporteur of data to the central European platform.</p> <p>However, who -and which entity- the national TSO empowers in its control area to deliver data to the central European platform is not that important. The important thing is that the national data of each European control area is delivered to the central European platform according to the definitions and formats developed by ENTSO-E and subject to Agency approval.</p>
Interaction between TSOs and centralised platform	<p>In order to avoid duplication of data, one respondent suggests that a data exchange should be set up between TSOs, regional platforms and the central European platform.</p> <p>In some Member States, TSOs are active in the wholesale market for electricity. One respondent states that 'Obliging TSOs to make data public concerning their competitors will lead to a conflict of interest and raises the question of unbundling' and that obliging TSOs to publish fundamental data on power plants may create a conflict of interest.</p>	<p>See answer above</p> <p>Dealing with national obligations on TSOs to intervene in price formation e.g. to balance wind on laying price independent offers in the market is not taken into account in the amended guidelines.</p>

Outsourcing data collection	One respondent suggested that TSOs should be entitled to outsource data collecting responsibilities to appropriate regional platforms.	Contractual agreements between TSOs and possible empowered entities concerning data delivery is left to the national TSO to decide and is not within the scope of these guidelines
Question 5: Taking into account the interface between wider transparency requirements and the costs of data storage, do you consider storage of basic data for 3 years, to be made available for free, is sufficient?		
Overview	More than 50% of the respondents consider that the storage of data for 3 years is sufficient and 6 respondents suggested that data should be stored for longer than 3 years with most citing the decreasing marginal cost of data storage as a relatively costless option.	As storage of more than 3 years is considered not that costly, storage for 5 years is inserted in the amended guidelines.
Restriction of stored data	Some respondents suggest that it may be important to restrict / define the data that is required to be stored in order to limit the cost of storage. However, other respondents point out that the marginal cost of storage is relatively small and therefore a longer storage period could be implemented at little extra cost.	It is necessary to assess carefully what data need to be stored but storing certain forecasts may be useful. This issue is not addressed in the amended guidelines and would be an issue to consult stakeholders, regulators and the agency on when the definitions have been processed.
Historical data	Some respondents also suggest that there are merits in storing some historical data for as long as 15 years, as it will encourage market entry. Furthermore, they suggest that this information should be easily accessible and free of charge. In particular, one respondent suggests some historical data such as 'inter-TSO connecting points' to allow NRAs and market participants to monitor grid developments.	Agree partly and same as above
Question 6: Are the suggested market time units for information reporting and publication requirements adequate and compatible with wider transparency in a European perspective?		
Overview	11 respondents suggest that the minimum standard time unit should be one hour.	Partly agree, however market time unit seems to be the preferred requirement except concerning balancing where the smaller of the two is chosen.
Definitions	6 respondents generally agree that market time units will depend on local market design and that the definition of 'market time unit' specified in the guidelines is unclear. One respondent suggests that it should be defined as 'the period during which the market price is calculated' which can vary between 15 minutes and 1 hour. Where the market time unit is not the same then, 2 respondents suggest that the shortest one should be used. A respondent suggests that the time units that should be used should correspond with the time unit used for balancing and settlement purposes in each regional market.	In the amended guidelines, market time unit is recommended.

Balancing time units	One respondent states that 'given that there should be similar standards for generation, load and transmission, time units should be 15 minutes only for balancing', with another suggesting that 'time units should link to balancing periods which are well understood within existing arrangements.'	Not taken into account in the amended guidelines but could be considered when the guidelines have to be changed
Question 7: How do you see costs and benefits of the proposed transparency for Fundamental data in Electricity? If possible, please provide qualitative and/or quantitative evidence on the costs and benefits or ideas about those.		
Overview	Generally, respondents feel that the costs of compliance need to be considered further in the guidelines [Meaning that respondents generally seem unclear].	Assessed in the updated Initial Impact Assessment
Benefits	Some of the benefits identified by respondents include: <ul style="list-style-type: none"> - Reduced information asymmetry and risk - More efficient consumption - Increased customer trust in markets - Increased liquidity - Move towards market integration - More efficient system use and reduced need for TSO intervention 	Agree
Costs	Some of the costs identified by respondents include: <ul style="list-style-type: none"> - Investment in IT infrastructure - Co-ordination costs between market participants - Running of the platform - Implementation of internal reporting structures <p>One respondent suggests that the harmonisation of existing platforms would bring down the costs as existing infrastructure could be used.</p>	Agree Not an issue in the task given to EREG
Impact on small participants	Some respondents suggest that although in general the benefits will exceed the costs, this may not be the case for small stakeholders.	Agree, however it is a general issue.

Load Issues		
<p>Question 8: Do you see a need for publication of load data linked to different time frames or an update of data linked to different time frames than suggested in the draft document?</p> <p>Question 9: The draft document suggests that the information on unavailability of consumption units is disclosed in an anonymous manner identifying the bidding area, timeframes and unavailable load. Do you consider these pieces of information sufficient for the transparency needs of the internal wholesale electricity market or should also the name of the consumption unit be published?</p>		
Overview	<p>Although some respondents agree with the time frames proposed for the publication of load data, many seek further clarification on certain aspects and make proposals for additional data to aid transparency.</p> <p>There is a general agreement that publication of data should be as close to real time as possible and updated frequently.</p> <p>One respondent suggests that load information needs to match the timescales that market participants can react to.</p>	<p>Yes partly, the definition of load is suggested to be developed by ENTSO-E in consultation of stakeholders and subject to the view of the Agency.</p> <p>The hourly total load has been amended accordingly to H+1</p>
Clarifications / Definitions	<p>One respondent asks for a more explicit definition of hourly load, in particular whether it is measured at the HV exit point or consumer metering point. Others ask for the forecast margin, generation and consumption unit, relevant data, hourly actual vertical load and the GWh value of vertical load to be more clearly defined.</p> <p>One respondent suggests using UCTE definitions.</p> <p>Some respondents suggest that generation and consumption units larger than 100 MW should be subject to disclosure of actual consumption on a site by site basis regardless of whether they are connected to the transmission or distribution grid.</p>	<p>Yes, as mentioned above the definition of load is suggested to be developed by ENTSO-E in consultation of stakeholders and subject to the view of the ACER.</p> <p>No, the UCTE definitions are not harmonised for the whole Europe.</p> <p>Yes partly, planned and unavailability of consumption units, to be defined, have now been incorporated in the amended guidelines</p>
Updating information	<p>Some respondent suggests that there is no need for additional publication on load, however, points out that data should be updated as soon as more precise estimates become available.</p>	<p>Agree, incorporated in the amended guidelines</p>

<p>Unavailability of consumption units</p>	<p>There is some concern around the disclosure of unavailability of consumption units with one respondent suggesting that it does not seem feasible.</p> <p>Many respondents agree that these units should remain anonymous as proposed in the framework guidelines.</p> <p>However, some respondents feel that this information is valuable and those unavailable consumption units should be named 'unless there is convincing evidence of adverse effects on large consumers'.</p> <p>One respondent thinks that publication should be by bidding area and not by consumption unit, regions or Member State.</p>	<p>Subject to DG COMP guidance, it should be recommended as it would reduce additional risk of insider trading and that therefore there can be no room for arguing greater confidentiality in respect of individual consumption units. It would remove opaqueness, support liquidity and decent price formation and benefit the final customer. The unplanned unavailability information should be given ASAP and no later than H+1</p> <p>Information on the identity of consumption unit might influence the bid curves differently as different consuming industries have different marginal costs. Failures of some industries would have different consequences; e.g. aluminum plants face specific risks if failures last more than a few hours. It is important to disclose such risk information as it might influence price formation.</p> <p>Information of specific units enables the readers to assess risk of prolonged outage period due to historical information of earlier outages.</p> <p>Giving the identity of the consumption unit will to some extent enable the market to control that the information is correct. It is possible to link the information with information from the media or elsewhere, and it is thereby possible to uncover faults in the information provided. This is very important in order to ensure confidence in the information. Specific location of consumption units may influence the calculation of transmission capacity.</p>
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Thresholds	<p>Some respondents suggest that the threshold of 100 MW for disclosure of information should be symmetric for generation and consumption.</p> <p>An additional respondent suggested that the threshold for publishing load data should not be under 100 MW as this information is not relevant to the market.</p> <p>One respondent suggests that the load publication threshold should be 200 MW due to the cost of implementation.</p>	<p>Agree, Load (and price formation) is affected in the same way by consumption units as by generation units and transparency requirements should be the same.</p> <p>100 W is the preferred general threshold in the amended guidelines</p>
Forecasting methodologies	<p>3 respondents point out that forecasting methodologies should be published to ensure data is consistent. Furthermore, they suggest that peak load forecasts are more informative than other load data such as forecasts 1 hour ahead.</p> <p>One respondent suggests that the responsibilities of DSOs and TSOs on forecasting load need to be clearly defined in order to have consistency.</p>	<p>Yes, the guideline has now been amended so that the load forecast method shall be made public and included into the detailed definitions to be prepared by ENTSO-E.</p>
Transmission and interconnectors		
Question 10: Should the publication obligations regarding planned or actual outages of the transmission grid and interconnectors require the publication of the location and type of the asset (i.e. identify the part of transmission infrastructure that due to planned outage or a failure is facing a limitation in its transmission capacity) or should the information on transmission infrastructure equipment outage be non-identifiable? Please justify your position why either identified information would be necessary or why only anonymous information on the transmission infrastructure outages should be published.		
Overview	<p>19 respondents felt that the outages of transmission assets and interconnectors should be clearly identifiable.</p> <p>3 respondents felt that this information should not be made available.</p>	<p>Proposition article 4.2.1: <i>planned outages on interconnections and in the transmission grid that reduce available interconnection capacities, if the impact on capacity is equal to or greater than 100 MW during at least one market time unit. This information is to be published one week before the yearly transmission auction, at the latest on the 5th calendar day of the month before the capacity auction, or if no capacity auctions are conducted, at the latest in week 51. Data to be published shall include the assets concerned, the place (including affected bidding area), the type of asset, the start and estimated stop dates of the outage and the impact (MW) on available transmission capacity and the reasons for the outage. The information is to be updated with changes without undue delay.</i></p>

Reasons for publication	<p>Respondents set out a range of reasons why this information should be published on the central European platform. These include:</p> <ul style="list-style-type: none"> - The impact transmission outages has on generators being constrained off the system [6 respondents agreed with this point]; - An outage might have an impact on the topology of the rest of the network 	Yes, agree
Reasons for no publication	<p>Respondents set out a range of reasons why this information should not be published on the central European platform. These include:</p> <ul style="list-style-type: none"> - The impact this might have on national security; - Limited added value of additional information, creating extra costs and risks of misuse; - The impact of a transmission outage will already be included in the calculation of NTC - Only information that has an impact on overall grid capacity is relevant 	Yes agree
<p>Question 11: The requirement to disclose outages in the transmission infrastructure is proposed to be placed on such events where the impact on capacity is equal to or greater than 100 MW during at least one market time unit. Do you consider this absolute, MW-based threshold appropriate, or should the threshold be in relation to e.g. the total generation or load of the bidding area, or alternatively, should the absolute threshold be complemented with a relative threshold? The relative threshold would mean, for example, that the publishing requirement would apply if a planned or actual outage of transmission infrastructure would equal to or be greater than 5 per cent (or any specified percentage value). This question on relative threshold stems from the fact that for some bidding areas the proposed 100 MW threshold may be relatively high. However, raising the general European threshold might in the majority of the European bidding areas lead to too low a threshold and a vast amount of information being reported.</p>		
Overview	<p>17 respondents agree that the 100MW threshold set out in the guidelines is appropriate.</p> <p>Many respondents argue that the 100 MW threshold provides clarity and enables consistency across participants. Although one respondent notes that on principle there should be no threshold as 'the utility of data should not be prejudged.'</p>	The guidelines have been amended to a 100 MW threshold
Alternative suggestions	<p>One respondent suggested a threshold of 200 MW explaining that below this the level the price impact might be insignificant and this threshold limits the cost of data provision under the framework guidelines.</p> <p>One participant suggests that a lower threshold could be used in smaller regional markets/platforms.</p>	<p>The majority of the stakeholders think a threshold of 100 MW is the threshold the more appropriate. Moreover, this threshold is coherent with the threshold of 100 MW for the generation unit.</p> <p>Proposition for article 3.8: <i>"In addition to disclosing the information on the central information platform, the same information, or parts of it, can also be provided on the websites of Transmission System Operators and other parties, given the definitions/standards from these guidelines are used."</i></p>

Question 12: With regard to publishing requirements on congestion (in paragraph 22 (d) and (e)), what kind of information do you consider important to receive and how frequently? Please justify your position.		
Information	<p>Generally, all respondents who responded to this question seem in favour of congestion reporting.</p> <p>In addition, one respondent calls for a 'description of counter-trading and capacity reduction'. Another asks for explanations of the reasons for congestion and two respondents wish to receive information on the actions taken by the TSOs to prevent future congestion along with the costs of these actions.</p> <p>Finally, there is a call for clear definitions and explanations of the methods to enable market participants to understand how available transmission capacity is allocated.</p>	<p>The report states "<i>all possible corrective measures that could be implemented to increase the yearly capacity, together with their estimated cost. The methodology and projects for achieving the long-term solution shall be described</i>"</p> <p>This publication is planned in Article 1.1.7 of the draft Framework Guidelines on Capacity Allocation and Congestion Management for Electricity:" <i>The CACM network code(s) shall ensure that the description of the capacity calculation method is made publicly available by the TSOs and that it contains a detailed and clear explanation of the elaboration of the common grid model¹, of the security assessment methods and of the level of security margins and where applicable, that it takes into account the critical branches.</i>"</p>
Frequency	One respondent suggested that a weekly report should be published.	The marginal cost of a weekly report is too high and might overrun the marginal expected benefit.

Generation		
Question 13: Should unavailability of generation infrastructure relate to a given plant or a given unit? Please justify your position.		
Overview	3 respondents believe that the term 'unit' should be more clearly defined.	Unit is defined in the amended guidelines
Unit-by-unit publication	<p>14 respondents support unit by unit publication however some argue that the views of European and national competition authorities should be considered as the publication of ex-ante data on generation unavailability could be viewed as anti-competitive.</p> <p>5 respondents argue that plant unavailability is sufficient, or that unavailability of units over 100 MW would be more appropriate and less burdensome for market participants.</p> <p>Some respondents argue that a 100 MW threshold for generation and load should be defined on a 'per-site' basis so that, for example, a site with 2 times 50 MW generation units should still have to disclose information on individual unit unavailability. However, 1 respondent suggests that the unit threshold should be lifted to 100 MW.</p> <p>However other respondents [1] suggest that plants with units using different fuel types would produce inaccurate information if data was published on a plant level.</p> <p>One respondent suggests that there should be an obligation to report outages at plants with combined generation output of 200 MW, however information should be provided on each unit with the plant.</p>	<p>Yes, the ERGEG proposal is made subject to DG COMP and DG ENER views.</p> <p>A plant might have many units and ERGEG does not consider plant as sufficient for price formation.</p> <p>Partly agree, further work on the definitions is to be processed in the advice which will require a general threshold of 100 MW.</p> <p>No, the threshold recommended will be 100 MW and fuel requirements according to the Annex</p>
Unplanned outages	<p>3 respondents believe that information on unplanned outages should be published immediately if the outage is expected to last longer than 1 hour. However some [1] respondent are against the publication of the cause of the outage due to the increased risk it places on operators without any additional benefit to the market.</p> <p>One respondent notes that information on the duration of a generation outage should be considered only as an estimate based on the 'best efforts' of the generator as one cannot assure the exact information on unplanned outages.</p>	<p>Agree, and the cause of the unplanned outage should be given according to best effort as it is important to the length of time of the outage and secondly to price formation.</p>
Additional suggestions	One respondent suggested that disclosing information on the availability of generation units rather than their unavailability would prove much more useful to the market.	Taken into account in the amended guidelines.

Question 14: The draft document proposes that actual unit by unit output for units equal to or greater than 10 MW be updated real time as changes occur. Do you consider the 10 MW threshold for generation units appropriate?		
Overview		
10 MW threshold	<p>Many [20] respondents argue that the 10 MW threshold should be raised, with many arguing that it should be set at 100 MW. They argue that the cost of compliance with the 10 MW threshold is considerably large (particularly for small market participants) without providing major benefits to the market.</p> <p>One respondent suggests that if generators with output below 100 MW are included then there is a need to identify which generators were providing the information, particularly when new generators connect to the grid.</p> <p>However one respondent argues that the 10 MW threshold for generation is appropriate, with another respondent suggesting that the threshold should be abandoned altogether.</p> <p>One respondent suggests that the threshold should be raised further to 200 MW for generation due to the increased costs and reduction in data quality associated with the 10 MW threshold and the large increase in required data submission.</p>	<p>Agree, guidelines amended and threshold set at above 100 MW.</p> <p>Agree, it should reflect the impact on capacity.</p> <p>In light of the responses received in the Public consultation, ERGEG considers above 100 MW as the appropriate threshold.</p> <p>For analysis purposes of market participants, also smaller plants may be of relevance, however 100 MW will be the recommended threshold.</p>
Intermittent generation data	<p>2 respondents argue that information regarding intermittent generation should be published by the TSO. They believe this information should consist of 'aggregated generation forecast and a real-time wind and solar production per bidding area' citing that this information can have a significant impact on price.</p>	<p>No, mixing different classes of information does not add to clarity, ERGEG considers this as a second best solution.</p>
15 minute threshold	<p>Some respondents do not support the 15 minute timescale for actual unit output and suggest that output should be published in line with the market time unit. One respondent argues the same point for data on renewable generation.</p> <p>Three respondents argue that generation output should be disclosed on an hourly basis, not every 15 minutes, with other arguing that the costs of submitting information every 15 minutes is not justified.</p>	<p>Agree, guidelines amended and threshold set at above 100 MW. Special requirements considering renewable are considered as necessary.</p> <p>Agree, this requirements have been changed to a threshold of 100 MW updated by the hour.</p>

Identification of generation unit	<p>Some respondents argue that availability and real time data must be published on a real-time basis and that generation units should be published on a unit by unit basis for the following reasons:</p> <ul style="list-style-type: none"> - Reduce information asymmetry around location and grid connection issues; - Reduce the risk of misuse of information and the use of 'insider information'; - Provide granularity to cross-check previous data flaws; and - Allow free access to granular information which is particularly important for new entrants. <p>However, they also agree that there are other issues that need to be considered when deciding to publish this information. These include:</p> <ul style="list-style-type: none"> - Potential competition issues (some respondents suggests that these framework guidelines should be approved by the relevant competition authority); - Potential conflicts with current market rules already in place in certain Member States. 	<p>The proposed guideline does address forecasting of availability by total sum of generation capacity and the installed gross capacity, see 4.3.2.1 and 4.3.22. However unavailability is considered as the marginal price driver. The ERGEG proposal will be subject to DG COMP and DG TREN approval and legal inter-service check. The national competition authority is not considered as the relevant supervisory authority as these guidelines have a common European aim. These guidelines will be legally binding in every European Member State when they have passed through the comitology process.</p>
Question 15: The requirement to disclose hourly information on actual aggregated generation output is now related to generation type. Should this threshold be linked to fuel requirements or generation technology?		
Generation type	<p>15 respondents note that the threshold should be linked to fuel/generation type with some noting that issues that limit plant flexibility should be included in the framework guidelines.</p> <p>However 3 respondents suggest that the data should be linked to market time unit rather than per hour.</p> <p>1 respondent suggests that generation type could be aggregated by both technology and fuel type. However [1] respondent suggests that publication of data linked to technology could lead to less transparency as the large number of different technologies could exceed the needs of the market.</p> <p>One respondent does not see the need to publish generation data linked to either fuel or technology and that data should be provided on a system need.</p>	<p>The proposal is linked to market time unit</p> <p>The ERGEG proposal will be linked to the fuel.</p>
Renewable generation data	<p>One respondent suggested that actual aggregated renewable generation data should be published and updated hourly as this will also influence the market price.</p>	<p>Disagree, the ERGEG proposal deals with wind, water and solar generators as these are considered the most important renewable generators.</p>

Aggregation	One respondent calls for the publication on disaggregated data as this allows market participants to aggregate as they wish.	Some of the renewable generators are very small in size and the requirement would be a burden that might not support the aim and the effort.
Definitions	Some respondents call for more clearly defined generation types in Annex 1 of the framework guidelines, particularly with respect to hydro generation, type of coal (Hard coal / traditional coal), type of thermal power plant (CHP, gas turbines).	Not within the scope of these guidelines
Balancing and Wholesale data Question 16: The transparency requirements on balancing have been widened compared to Transparency reports prepared within the framework of the Electricity Regional Initiatives. Is the proposed list of data items sufficient – also taking into account the evolution towards cross-border balancing markets? Question 17: The transparency requirements on wholesale market data have been deliberately left outside the draft guidelines as they will most likely be addressed by other legal measures that are currently under preparation. Should some basic wholesale data, i.e. information on aggregate supply and demand curves, prices and volumes for each standard traded product and for each market time frame (forward, day ahead, intra-day) as well as prices and volumes of the OTC market still be part of the Comitology Guideline on Fundamental Electricity Data Transparency?		
Overview	Many respondents consider the proposed list of data items to be sufficient, subject to a review of cross-border trade developments. Whereas others require further clarification, suggesting that the existing guidelines are unclear	In general, it should also be taken into account that the definitions will be further processed by ENTSO-E consulted with market participants and will be subject to an opinion of regulators and the Agency.
Clarification / Definitions	<p>Some respondents have requested that specific terms be clarified in the guidelines. These are mainly because of differences in terminology across Member States and bidding areas. These include:</p> <ul style="list-style-type: none"> - 'the procurement procedure'; - 'primary', 'secondary' and 'tertiary' reserves; - 'Volume of contracted balancing reserve capacity'; <p>There is a general concern that the differing nature of balancing markets across bidding areas needs to be taken into account when setting the guidelines as the existing guidelines are not feasible in some Member States.</p>	This clarification has partly been taken into account in the amended guidelines and will be further processed as mentioned in the point above.

Additional data for publication	<p>One respondent suggests that the price and volume of interconnector capacity reserved for balancing purposes should be made available on the platform. Furthermore, the respondent calls for additional transparency requirements for congestion management.</p> <p>As balancing markets differ widely across Europe, one respondent calls for the description and publication of the relevant product, the volume procured and its price.</p> <p>One respondent suggests that aggregated imbalances per market time unit should be published according to the guidelines. With additional respondents suggesting that an additional chapter should be added to the framework guidelines on transparency of congestion management.</p> <p>2 respondents suggest publishing the aggregated imbalances per market time unit. Some respondents also note that it should be made clearer whether both capacity payments and energy payments should be published.</p> <p>Some respondents note that transparency requirements should reflect the balancing arrangements and the market time units in each Member State and that prices should be allowed to be published in national currency.</p>	<p>Agree partly, in case a balancing market exists prices and volumes are the relevant issues for price formation. However, a harmonised approach is not obvious at this stage as long as balancing markets are different.</p> <p>Not within the scope of these guidelines</p> <p>To reflect differences in balancing markets</p> <p>Disagree and not reflected in the amended guidelines</p>
Costs and Governance	<p>One respondent focuses on the difficulties of gathering the required data specified in the guidelines stating that the technical aspects of data collection are a major 'cost-driver' and should be addressed. The respondent also suggests that an 'adequate involvement of stakeholders in the consultation process and a final assessment by ACER' should be included in the guidelines.</p>	<p>This would be part of the task of ENTSO-E when processing the definitions in dialogue with the stakeholders proposed in the amended guidelines.</p>
Information that should not be published	<p>One respondent states that bidding prices associated with balancing offers should not be disclosed but should only be monitored by the relevant NRA.</p> <p>However, other respondents feel that aggregated volumes, used bids and offer, average and marginal prices should be published through the platform.</p>	<p>EREG considers it important that the relevant cost drivers are assessed in parallel to creating wider transparency</p> <p>Partly taken into account in the amended guidelines</p>

<p>Inclusion of wholesale market data</p>	<p>Many respondents disagree with the decision to leave transparency requirements on wholesale market data outside this Guideline, with some respondents suggesting that transparency rules on wholesale market data should await the outcome of further legislative processes [such as the Commission paper 'Initiative for the integrity of traded Energy Markets'.]</p> <p>6 respondents agree with the ERGEG position and suggest that there are other initiatives that address the issue of wholesale market data. There is a general view that it is the role of the operators of regulated markets, MTFs and broker platforms to take responsibility for the provision of wholesale market data.</p>	<p>According to information so far, it seems that transparency in wholesale data will be included in the second comitology guidelines on transparency, presently also being processed. ERGEG agrees that transparency in basic wholesale data should be available to market participants. However, whether and in which of the 2 comitology guidelines these kinds of data should be required, is for DG ENER and maybe also the inter-service check to decide upon.</p>
<p>Publication of data on alternative platforms</p>	<p>One respondent thinks that the guidelines preclude the publication of data on other platforms which use different standards or definitions. The respondent believes that this should be allowed as long as any differences are clearly explained.</p>	<p>The scope of these guidelines is to establish a European platform with common definitions on fundamental data linked to use of the grid assets. Other transparency provider entities such as for instance regional power exchanges and basic service providers can exist in parallel.</p> <p>However, in order to be able to deliver data from a given control area in Europe to the central platform, these entities should be licensed or empowered by the relevant TSO of the control area in order to deliver data from the relevant control area.</p> <p>ERGEG does not consider it a part of the fundamental transparency task given to it by the European Commission to recommend how this empowering arrangement could be executed in each Member State.</p>