



Transparency in Regulation 1775/2005

The revised draft explanatory note

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Introduction



Principal conditions to achieve competition:

- Non-discriminatory **access** to customers and infrastructure (this covers regulated access / unbundling/ capacity issues)
- Independent **Regulators** with clearly defined roles and responsibilities
- A conducive **investment climate**

Transparency of essential market information, such as available capacities, historical flows and relevant terms and conditions



Process



- In June, the Commission invited Stakeholders to discuss the content of an Explanatory Note on Transparency
- The first draft of the Explanatory Note has been presented at the Joint Working Group on 29 November 2006
- Comments received that lead to a new draft



Background - Transparency in the Regulation



- Almost every article in the Regulation deals with transparency in one way or another.
- The draft Explanatory Note only addresses transparency in the context of article 6 of the Regulation and article 3 of the Annex.
- The draft explanatory note aims to clarify certain provisions in order to aid a consistent application of the Regulation.



Main points I



- Technical information
- Relevant points within a network in an entry-exit system
- Transparency of available capacity
- Confidentiality:
 - Available capacity
 - Procedure to gain approval of regulator for non-publication



Main points II



- Available capacity is key. The draft explanatory note in § 24 – 34 therefore puts a lot of emphasis on the transparency of available capacity and – where applicable – the chance of interruption.
- Relevant points - only when these points are contractually relevant to a shipper,
 - the contracting of capacity
 - the need for a nomination procedure
 - the boundary of a balancing zone
- Relevant points further include entry/exit points from storage facilities.



Main points III



- Confidentiality:
 - § 41 states that firm and interruptible available capacity should always be published.
 - Confidentiality considerations can justify not publishing technical and or booked capacities, rather than available capacities.
- Secondary market deals that lead to a title transfer should be taken into account when assessing the number of users
- § 43-45 set out the procedure for the authorisation not to publish certain data. It includes the need for a specific request from a network user



Comments & modifications



- Scope of the Regulation
- TSO cooperation
- Free availability of information
- Capacity utilisation
- Confidentiality
 - Strictly applied
 - Exit-point with one end-user
- Tariffs
 - Info for regulator or for the market
- Capacity calculation principles



Follow-up



- **All stakeholders are invited to provide comments to the Note before April**
- **Publication as soon as possible after that**





Thank you for your attention!

