

PUBLIC CONSULTATION DOCUMENT

GUIDELINES ON FUNDAMENTAL ELECTRICITY DATA TRANSPARENCY

EnBW welcomes the opportunity to comment on the consultation on the public consultation regarding Guidelines on Fundamental Electricity Data Transparency.

QUESTIONS

Completeness of the proposal

Question 1: Do you have any major problems or policy issues related to transparency which go beyond ERGEG's advice and which you think should be addressed in the Commission's proposal?

We believe that that the Guidelines on fundamental electricity data transparency will lead to a much needed EU-wide and harmonized standard. We believe that transparency of fundamental data is a key aspect for the development and promotion of functioning electricity wholesale markets.

We have been actively involved in the setting-up of the EEX transparency platform and believe that this initiative sets a benchmark with respect to the publication of market-relevant fundamental electricity data (both regarding ex-ante as well as ex-post data). The initiative is based on a great effort with a significant use of resources. We would like to point out that for efficiency reasons any duplication or additional work which generates additional costs should be avoided. We believe that the implementation of the proposed requirements can well be done on existing platforms such as the EEX platform. Reporting routines are well established therein based on common definitions. These definitions have been set up in a bottom-up approach involving all relevant stakeholders. It might be an option to install a centralized European platform with direct access to the EEX platform or national/regional platforms. However, no additional reporting burdens should be established due to efficiency reasons.

For all involved stakeholders (Generators, Consumers, TSO, DSO, PX and Market Participants) remarkable costs will occur in the order to fulfill all requirements in the GUIDELINES ON FUNDAMENTAL ELECTRICITY DATA TRANSPARENCY. Thus it is essential to always follow a thorough cost-benefit assessment. For the regulated area, it should be made clear that grid operators should be able to recover the costs incurring by publishing fundamental data via grid tariffs.

Question 2: Do you consider that definitions are complete and clear enough to avoid any potential problems when applied?

Clear and unambiguous definitions are the base for any reasonable publications. We fear that a number of the current definitions and the publishing point in time are not clear enough to avoid differing interpretations or to reach a benefit within all member states. The door to discuss and agree on clearer definitions and deadlines for publishing should still be open for all stakeholders.

E. g. the definition concerning 4.4.1.7 imbalancing prices per balancing time unit as soon as possible and at least H+2 should be rather open for cases "where applicable". Neither the current definition nor the H+2 would be valuable applicable in the German system. We generally think that the definitions are workable after some revisions. However, we believe that it would be more appropriate to publish data linked to the fuel type rather than generation type in order to ensure compatibility with other data (capacity, unavailability etc.) and the commodity markets. If the information is published by generation technology this could actually lead to less transparency as the actual amount of different generation technologies could well exceed the needs of common market participants and analysts. This type of information is better placed at the power plant lists which should also be published (see www.transparency.eex.com/en/Information/reporting-companies as reference). Thus, plant-by-plant data related to the fuel type together with static information of the respective plants will provide the full picture.

Question 3: Points 4.1.3.7 and 4.1.3.8 of ERGEG's guideline require publishing ex-ante information on planned and ex-post information on the unplanned unavailability of consumption units including the name of the consumption units, location, bidding area, available capacity during the event, installed capacity, etc. Do you consider that publishing this information on a unit-by-unit base would be likely to create any competition concerns (e.g. because of the commercially sensitive nature of information on energy consumption of individual companies)? If yes, for which industries, in which Member States, etc.? How does this concern relate to the potential benefit this information yields to participants of traded electricity markets? Could this concern be remedied in a way which would nevertheless enable market participants to properly assess such an important change in a demand fundamental (e.g. by publishing data in aggregated form)?

We are not aware of robust reasons that the publication of unavailability data may raise competition concerns. Generally, as for all data categories, we believe that the respective data disclosed should be market relevant and the rules for all data categories should be the same. Thus we do not see any reason why there should be a different treatment of consumption data vis-à-vis generation data; it is the combination of supply and demand that is key determinant for the price formation.

We do not see the need to also disclose the name of the consumption unit but agree that the information on the unavailability of consumption units can be disclosed anonymously identifying the bidding area, timeframes and unavailable load.

As a general point, we would like to emphasise that for legal and regulatory reasons we believe that a clear decision and communication regarding the publication of disaggregated data is important. There should be a clear balance between transparency need and confidentiality.

Question 4: Points 4.3.2.4 and 4.3.2.5 of ERGEG's guideline require publishing ex-ante information on planned and ex-post information on the unplanned unavailability of generation units including the name of the generation units, location, bidding area, available capacity during the event, installed capacity, etc. Do you consider that publishing this information on a unit-by-unit base would be likely to create any competition concerns? If yes, how does this concern relate to the potential benefit this information yields to market participants? Could this concern be remedied in a way which would nevertheless enable market participants to properly assess such an important change in a supply fundamental (e.g. by publishing data in aggregated form, for instance per production type and balancing zone)?

We are not aware of robust reasons that the publication of these data may raise competition concerns. Especially with increasingly liquid markets with a huge number of active market participants (e.g. EEX/EPEX more than 260 registered participants) with different expectations and strategies any such risk should be negligible.

As a general point, we would like to emphasise that for legal and regulatory reasons we believe that a clear decision and communication regarding the publication of disaggregated data is important. In this context we would also like to refer to the provisions that market participants have to comply with REMIT. For efficiency reasons any duplication or additional work which generates additional costs should be avoided.

Question 5: Point 4.3.2.8 of ERGEG's guideline requires publishing actual unit-by-unit generation updated every hour. Do you consider that hourly publishing this information on a unit-by-unit base would be likely to create any competition concerns (e.g. by increased possibilities to monitor the behaviour of competitors, to enter into collusive strategies)? If yes, how does this concern relate to the potential benefit this information yields to market participants? How in your view could the concern be remedied (e.g. by publishing data in aggregated form, for instance per production type and balancing zone and/or by publishing with a longer delay than one hour)?

We are not aware of robust reasons that the publication of these data may raise competition concerns for generations units. Especially with increasingly liquid markets with a huge number of active market participants (e.g. EEX/EPEX more than 260 registered participants) with different expectations and strategies any such risk should be negligible.

As a general point, we would like to emphasise that for legal and regulatory reasons we believe that a clear decision and communication regarding the publication of disaggregated data is important. There should be a clear balance between transparency need and confidentiality.

Question 6: Do you see any other issues arising from ERGEG' proposal which may in your view give rise to competition concerns?

We have no further competition concerns. But in terms of sensitive information regarding critical infrastructure protection some points should be assessed. E.G. detailed Information outages on interconnections and Physical Flow might be very sensitive. Some specific information as name and place of the asset are not relevant for the market and should not be published. Bidding area / boarder based publications and a separate detailed information only for the NRA would be a rather adequate solution..