



**Additional Transparency Requirements:  
An EREG Monitoring Report**

**Ref: E07-TRA-02-03b**

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## Table of Contents

<b>1. PREFACE .....</b>	<b>8</b>
<b>EXECUTIVE SUMMARY.....</b>	<b>9</b>
<b>2. INTRODUCTION.....</b>	<b>11</b>
2.1. Scope and Method.....	11
2.2. Response rates: NRAs and TSOs .....	12
2.3. Comparison of response rates to the Compliance with Transparency Requirements of Gas Regulation 1775/2005/EC - An ERGEG Monitoring Report. ....	14
2.4. Next steps.....	14
<b>3. ERGEG ADDITIONAL TRANSPARENCY MONITORING: RESULTS.....</b>	<b>15</b>
3.1. PART I: National Regulatory Authorities (NRAs).....	15
3.1.1. Sanctions .....	15
3.1.2. Minus 3 Shipper Rule .....	21
3.2. Transmission System Operators (TSOs).....	33
3.2.1. Transparency Requirements .....	33
3.2.2. Tariffs for access to networks .....	45
3.2.3. Principles of Capacity Allocation Mechanisms and congestion management procedures.....	51
<b>4. SUMMARY AND CONCLUSIONS .....</b>	<b>63</b>
4.1. Key findings .....	63
4.2. Recommendations and outlook .....	65
<b>ANNEX 1 – QUESTIONNAIRE: NRAS.....</b>	<b>67</b>
<b>ANNEX 2 – QUESTIONNAIRE: TSOS .....</b>	<b>69</b>

## List of Figures

Figure 1: Competent Authority .....	16
Figure 2: Nature: Sanctions .....	17
Figure 3: Areas: Sanctions.....	19
Figure 4: Frequency: Sanctions .....	20
Figure 5: Description: Sanctions .....	21
Figure 6: Requests: 3minus shipper rule .....	22
Figure 7: Examples of typical arguments put forward .....	24
Figure 8: Approval: Requests .....	26
Figure 9: Authorisation granted: Publication of available capacity .....	27
Figure 10: Justification: Decision taken by NRA .....	28
Figure 11: Views of shippers.....	29
Figure 12: Authorisation: Publication and Confidentiality .....	30
Figure 13: Approval: Relevant Points.....	31
Figure 14: Compliance: Relevant Points.....	32
Figure 15: Publication: Maximum/Committed Capacity.....	33
Figure 16: Subsystems: Publication of Information .....	34
Figure 17: Publication: Gas Quality.....	35
Figure 18: Likelihood: Interruptions: Actual/expected nominations .....	36
Figure 19: Likelihood: Interruptions: Historical information.....	36
Figure 20: Publications: Historical Utilisation Rates .....	37
Figure 21: Tariff Structure .....	45
Figure 22: Tariff Methodology .....	46
Figure 23: Investment: Incentives .....	47
Figure 24: Benchmarking.....	50
Figure 25: Convergence: Tariff Structure.....	51
Figure 26: Allocation of Capacity: Open Season.....	52
Figure 27: Mechanism: Capacity Trades .....	57
Figure 28: Re-offering: Unused Capacity: Interruptible Basis .....	58
Figure 29: Re-offering: Unused Capacity: Firm Basis .....	59
Figure 30: Price and Probability of Interruption .....	60
Figure 31: Compatibility: Capacity Allocation .....	61
Figure 32: Consultation: Network Users: Capacity Allocation Procedures .....	62

## List of Tables

Table 1: Coding of responses .....	11
Table 2: Responses from NRAs .....	12
Table 3: Responses from TSOs.....	13
Table 4: Legal Provisions: Prohibition of publication .....	38
Table 5: Contractual Provisions: Prohibition of publication .....	41
Table 6: Criteria: Pipe-to-pipe competition .....	47
Table 7: Criteria: Pipe-to-pipe competition .....	52

## Abbreviations

AEV	AS EG Vörguteenus
BEB	BEB
BGE (NIR)	Bord Gáis Éireann (NIR)
BGE (ROI)	Bord Gáis Éireann (IRL)
BNetzA	Bundesnetzagentur
BOG	Baumgarten Oberkappel GmbH
BOT	BOTAŞ
BTG	Bulgartransgas
BYN	Bayernets
CAM	Capacity Allocation Mechanisms
CEER	Council of European Energy Regulators
CERA	Cyprus Energy Regulatory Authority
CMP	Congestion Management Procedures
Dangas	Dangas GmbH Regiegesellschaft
DEN	Draft Explanatory Notes
DEP	Dong Energy Pipelines
DES	DESFA S.A.
DONG	DONG Energys
EAV	E.ON Avacon AG
EC	European Commission
EDK	Energinet.dk (ENDK)
EGG	E.ON Gas Grid GmbH (previously known as Ferngas Nordbayern)
EGM	Erdgas Münster
EGT	E.ON Gastransport AG & Co. KG
ENDK	Energinet.dk
ENG	Enagas

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ENI	Eni Gas & Power Deutschland s.p.A.
EPDK	Enerji Piyasası Düzenleme Kurumu (Turkish Energy Market Regulatory Authority)
ERGEG	European Regulators' Group for Electricity and Gas
ERSE	Entidade Reguladora dos Serviços Energéticos
ETG	Erdgastransportgesellschaft Thüringen-Sachsen mbH
EU	European Union
EVA	EON Avacon AG
EVG	Energieversorgungsgesellschaft Thüringen -Sachsen mbH
EWE	EWE Netz GmbH
EXM	ExxonMobil
FLU	Fluxys
FN	Ferogas Nordbayern GmbH
Gas Union	Gas-Union Transport GmbH & CO KG
GEO	Geoplin plinovodi
GFD	Gaz de France Deutschland
GRI	Gas Regional Initiative
GRT	GRTgaz (previously known as Gaz de France Réseau Transport)
GS	Operator Gazociągów Przesyłowych GAZ-SYSTEM S.A.
GTS	Gas Transport Services B.V.
GUN	Gas Union
GVS	Gasversorgung Süddeutschland GmbH
GWG	Gas Working Group
HYD	Hydro Energie Deutschland GmbH
LAG	Latvijas Gaze
LID	Lietuvos Dujos AB
MOL	MOL Földgázzállító Zrt

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NGT	National Grid Transco
NRA	National Regulatory Authority
Ofgem	Office of Gas and Electricity Markets
OGG	OMV Gas GmbH
ONT	Ontras
PNG (NIR)	PNG Transmission
PTL (NIR)	Premier Transmission Limited
RAE	Energy Regulator Authority (Greece)
ROM	ROMGAZ
RTN	RWT Transgas Net
RWE	RWE Transportnetz Gas GmbH
RWE-TGN	RWE Transgas Net
SFG	Saar Ferngas
SI	Sector Inquiry
SPP	SPP – preprava
SRG	SNAM Rete Gas s.p.A.
STA	Standard Transmission Agreement
Statoil	Statoil Deutschland GmbH
STO	Statoil
SVK&SDG	Swedegas (SVK) and Swedegas (joint response)
TAG	Trans Austria Gasleitungs GmbH
TGF	Total Infrastructures Gaz France (TIGF)
TPA	Third Party Access
TRA	Transparency
TSO	Transmission System Operator
WIN	Wingas Transport GmbH & Co KG
WS	Work Stream

## 1. Preface

At the XIIth Madrid Forum in February 2007, the European Commission (EC) requested that ERGEG undertake further monitoring. This monitoring was meant to extend and built on the work that had already been done in this area. In particular, ERGEG has already published its findings of monitoring the transparency requirements outlined in Regulation 1775/2005/EC in its Compliance with Transparency Requirements of Gas Regulation 1775/2005/EC - An ERGEG Monitoring Report [E07-TRA-02-03].

This report is therefore to provide an overview of the responses that were received as part of the additional monitoring exercise. The monitoring exercise is subdivided into two different areas and covered aspects in the following areas:

- PART I: National Regulatory Authorities (NRA)
  - Regulatory powers, i.e. relating to the question of how National Regulatory Authorities (NRAs) can effectively sanction or penalise missing compliance with Regulation 1775/2005/EC.
  - Minus 3 shipper rule.
  
- PART II: Transmission System Operators (TSOs)
  - Further transparency requirements;
  - issues related to tariffs for access to networks; and
  - issues related to principles of Capacity Allocation Mechanisms (CAMs) and congestion management procedures.

The monitoring exercise covered both quantitative and qualitative aspects. All results, including specific comments put forward by NRAs and TSOs will be presented in the following section.

## Executive Summary

This report summarises findings from an additional monitoring that ERGEG has undertaken following a request from the EC. The findings included in this report therefore reflect the factual answers that were given to the questions, sometimes bearing in mind additional comments. The conclusions from this monitoring work are very much in line with the ones derived in the previous report, namely:

- A general lack of compliance: The comprehensive and complete implementation of Regulation 1775/2005/EC needs to be ensured.
- Transparency requirements need to be fit-for-purpose, ensuring that relevant information is made available to market participants. Where required and sensible, additional transparency requirements need to be clearly defined.
- Decreasing quality of responses: In many cases, both NRAs and TSOs did not respond to specific questions and/or chose “not applicable” or “not available” as an answer. This needs to be re-examined and re-visited. It also covers an assessment of the answers as such to ensure that they are sensible (e.g. convergence of tariff structures etc.).

NRAs and their ability to effectively enforce the implementation of Regulation 1775/2005/EC is another area that has been examined as part of this report. The findings from the monitoring exercise indicate that further work is required though in this area. Key findings include:

- The responsibility for imposing sanctions is either allocated to NRAs, Ministries and/or Courts and that the nature of sanction mechanisms varies; fines and penalties are the predominant mechanisms though.
- With respect to their powers to impose sanctions pursuant to Art. 3 to 8 related issues of the Regulation 1775/2005/EC, the degree of consistency differs with regard to the power not to impose sanction(s) However, most strikingly, only one member state reports having actual experience with imposing sanctions.

- Further work to elaborate on these issues could include an assessment of what kind of sanction mechanisms exist and why they are effective or not. This needs to be linked to a general discussion regarding the harmonisation of sanction mechanisms as part of the 3rd package.

In terms of potential ways forward, the findings in this report suggest that more in-depth work will be needed to assess why TSOs do not comply with specific issues and/or why answers have been answered the way they have. These issues will be looked at as part of the ongoing ERGEG work, ideally as part of in depth case studies.

## 2. Introduction

### 2.1. Scope and Method

The survey was conducted via a circulation of two questionnaires. One questionnaire was directed at NRAs directly, the other one at TSOs. Responses from TSOs were collected via the respective NRAs. As in the case of the Compliance with Transparency Requirements of Gas Regulation 1775/2005/EC - An ERGEG Monitoring Report [E07-TRA-02-03], ERGEG would also like to stress that in some cases, TSOs have reported the answers themselves. Although NRAs were asked to carefully check the responses, ERGEG cannot guarantee that this has always been the case, although maximum care has been taken to ensure this. In all cases, 1st July 2007 was used as the cut-off date.

The questionnaires are included in Annex 1 for NRAs and Annex 2 for TSOs.

Respondents have been asked to code their answers in the following way to facilitate the analysis where possible:

**Table 1: Coding of responses**

<b>1</b>	<b>Yes</b>
<b>0</b>	<b>No</b>
<b>2</b>	<b>not applicable</b>
<b>3</b>	<b>not known</b>
<b>4</b>	<b>Empty cell</b>
<b>N/A</b>	<b>Not applicable</b>

Source: ERGEG Additional Transparency Monitoring 2007

In addition, some respondents provided qualitative responses. The analysis of these qualitative responses is still ongoing. This report mainly focuses on the aggregation of findings to those questions that can be answered in a quantitative and graphical manner.

It is suggested to combine the analysis of quantitative and qualitative responses once all respondents have submitted their information.

## 2.2. Response rates: NRAs and TSOs

The following responses were received from NRAs:

**Table 2: Responses from NRAs**

Overview Responses received from NRAs Additional monitoring request from EC		
Country	NRA	as of 19 September 2007
<b>EREGG Members</b>		
Austria	Energie-Control GmbH (E-Control)	Answer received
Belgium	Commission pour la Régulation de l'Electricité et du Gaz (CREG)	Answer received
Bulgaria	State Energy & Water Regulatory Commission (SEWRC)	No response
Cyprus	Cyprus Energy Regulatory Authority (CERA)	No gas infrastructure
Czech Republic	Energy Regulatory Office (ERO)	Answer received
Denmark	Danish Energy Regulatory Authority (DERA)	Answer received
Estonia	Energy Market Inspectorate (EMI)	Answer received
Finland	The Electricity Market Authority (EMV)	Derogation
France	Commission de Régulation de l'Énergie (CRE)	Answer received
Germany	Federal Network Agency for Electricity, Gas, Telecommunications, Posts and Railway (BNetzA)	Answer received
Great Britain	Office of Gas and Electricity Markets (Ofgem)	Answer received
Greece	Regulatory Authority for Energy of Greece (RAE)	Answer received
Hungary	Hungarian Energy Office (HEO)	Answer received
Ireland (Republic of)	Commission for Electricity Regulation (CER)	Answer received
Northern Ireland	NIAUR	Answer received
Italy	Autorita per l'Energia Elettrica e il Gas (AEEG)	Answer received
Latvia	Public Utilities Commission (PUC)	No response
Lithuania	National Control Commission for Prices and Energy (NCC)	No response
Luxemburg	Institut Luxembourgeois de Régulation (ILR)	Derogation
Malta	Malta Resources Authority	No gas infrastructure
Netherlands	Office for Energy Regulation (DTE)	Answer received
Poland	The President of the Energy Regulatory Office	Answer received
Portugal	Entidade Reguladora dos Serviços Energéticos (ERSE)	Derogation
Romania	National Regulatory Authority in Natural Gas Sector (ANRGN)	No response
Slovak Republic	Regulatory Office for Network Industries (RONI)	Answer received
Slovenia	Energy Agency of the Republic of Slovenia	Answer received
Spain	Comisión Nacional de Energía (CNE)	Answer received
Sweden	Swedish Energy Agency (STEM)	Answer received
<b>EREGG Observers</b>		
Iceland	Orkustofnun	No response
Croatia	Croatian Energy Regulatory Agency (CERA)	No response
Norway	Norwegian Water Resources & Energy Directorate (NVE)	No response
Turkey	Enerji Piyasası Düzenleme Kurumu (EPDK)	Answer received

Source: EREGG Additional Transparency Monitoring 2007

The following responses were received from TSOs:

**Table 3: Responses from TSOs**

Countries and TSOs covered			
Countries	Abbreviation	Full name	Status
<b>EREGG Members</b>			<b>24/08/2007</b>
Austria	BOG	Baumgarten Oberkappel GmbH	Answer received
	OGG	OMV Gas GmbH	Answer received
	TAG	Trans Austria Gasleitungs GmbH	No response
Belgium	FLU	Fluxys	Answer received
Bulgaria	BTG	Bulgartransgas	No response
Cyprus	<b>No gas infrastructure</b>		
Czech Republic	RTN	RWT Transgas Net	Answer received
Denmark	EDK	Energinet.dk (ENDK)	Answer received
Estonia	AEV	AS EG Võrguteenus	Answer received
Finland	<b>Derogation</b>		
France	GRT	GRTgaz (previously known as Gaz de France Réseau Transport)	Answer received
	TGF	Total Infrastructures Gaz France (TIGF)	Answer received
Germany	BEB	BEB	Answer received
	BYN	Bayernets	Answer received
	DEP	Dong Energy Pipelines	Answer received
	EAV	E.ON Ayacon AG	Answer received
	EGG	E.ON Gas Grid GmbH (previously known as Ferngas Nordbayern)	Answer received
	EGM	Erdgas Münster	Answer received
	EGT	E.ON Gastransport AG & Co. KG	Answer received
	ENI	Eni Gas & Power Deutschland s.p.A.	Answer received
	ETG	Erdgastransportgesellschaft Thüringen-Sachsen mbH	Answer received
	EWE	EWE Netz GmbH	Answer received
	EXM	ExxonMobil	Answer received
	GFD	GdFD	Answer received
	GUN	Gas Union	Answer received
	GVS	Gasversorgung Süddeutschland GmbH	Answer received
	HYD	Hydro Energie Deutschland GmbH	Answer received
	ONT	Ontras	Answer received
	RWE	RWE	Answer received
	SFG	Saar Ferngas	Answer received
	STO	Statoil	Answer received
	WIN	Wingas	Answer received
Great Britain	NGT	National Grid Transco	Answer received
Greece	DES	DESFA S.A.	Answer received
Hungary	MOL	MOL Földgázszállító Zrt	Answer received
Ireland (Republic of)	BGE (ROI)	Bord Gáis Éireann (IRL)	Answer received
Ireland (Northern Ireland)	PTL (NIR)	Premier Transmission Limited	Answer received
	PNG (NIR)	PNG Transmission	Answer received
	BGE (NIR)	Bord Gáis Éireann (NIR)	Answer received
Italy	SRG	SNAM Rete Gas s.p.A.	Answer received
Latvia	LAG	Latvijas Gaze	No response
Lithuania	LID	Lietuvos Dujos AB	Answer received
Luxembourg	<b>Derogation</b>		
Malta	<b>No gas infrastructure</b>		
Netherlands	GTS	Gas Transport Services B.V.	Answer received
Poland	GS	Operator Gazociągów Przesyłowych GAZ-SYSTEM S.A.	Answer received
Portugal	<b>Derogation</b>		
Romania	ROM	ROMGAZ	No response
Slovak Republic	SPP	SPP – preprava	Answer received
Slovenia	GEO	Geoplin plinovodi	Answer received
Spain	ENG	Enagas	Answer received
Sweden	SVK&SDG	Swedegas (Svk) and Swedegas (joint response)	Answer received
<b>EREGG Observers</b>			
Iceland			No response
Croatia			No response
Norway			No response
Turkey	BOT	BOTAŞ	Answer received

Source: EREGG Additional Transparency Monitoring 2007

In those cases where derogations have been granted, this has been done under Art. 28 of Regulation 1775/2005/EC.

### **2.3. Comparison of response rates to the Compliance with Transparency Requirements of Gas Regulation 1775/2005/EC - An ERGEG Monitoring Report.**

For the Compliance with Transparency Requirements of Gas Regulation 1775/2005/EC - An ERGEG Monitoring Report [E07-TRA-02-03], the response rates were as follows:

- Responses from NRAs: 19
- Responses from TSOs: 43

For the Additional Transparency requirements: An ERGEG Monitoring Report, the response rates were as follows:

- Responses from NRAs: 20
- Responses from TSOs: 44

In comparison to the Compliance with Transparency Requirements of Gas Regulation 1775/2005/EC - An ERGEG Monitoring Report, the additional NRA that has submitted information is Estonia. TAG (Austria) did not submit any information. In addition, the Estonian TSO AS EG Võrguteenus and the Lithuanian TSO Lietuvos Dujos AB did respond to the survey.

The overall response rate can be considered to be “good” whilst there is still room for improvement, especially with regard to explanations and justifications as to why certain answers have been selected (i.e. the quality of responses obtained).

### **2.4. Next steps**

The aim is to present preliminary findings to the XIIIth Madrid Forum in October 2007. At the same time, the analysis of qualitative responses will be carried out by ERGEG with the purpose being to combine the analysis of both qualitative and quantitative responses to the questions.

At a later stage, further in depth investigations, e.g. for a sub-sample of TSOs under consideration, will be carried out to establish a clearer picture as to how the transparency situation can be improved in all member states of the EU.

In addition, and further to a request from the European Commission, all Member States will be asked to provide further explanations as to why certain answers were given. This includes both responses to this questionnaire and to the previous questionnaire and the answers submitted as part of the Compliance with Transparency Requirements of Gas Regulation 1775/2005/EC - An ERGEG Monitoring Report (see Appendix 4).

### **3. ERGEG Additional Transparency Monitoring: Results**

#### **3.1. PART I: National Regulatory Authorities (NRAs)**

##### **3.1.1. Sanctions**

- Question: Who is the 'competent authority' in charge of penalties and sanctions in your country in line with Article 13 of Regulation 1775/2005/EC?
- Reference: Commission Draft Explanatory Note (DEN) – Transparency -version Madrid12 para 39<sup>1</sup>.
- Analysis of responses (shown in the following figure).

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<sup>1</sup> Draft Explanatory note of DG Energy & Transport on Article 6 and Annex 3 of Regulation (EC) No 1775/2005 of the European Parliament and of the Council of 28 September 2005 on conditions for access to the natural gas transmission networks. Available at : <http://ec.europa.eu/energy/gas/madrid/doc-12/2.pdf>

**Figure 1: Competent Authority**

<b>Summary of responses (overview)</b>	
<b>Question</b>	Who is the 'competent authority' in charge of penalties and sanctions in your country in line with Article 13 of Regulation 1775/2005/EC?
<b>EREGG Members</b>	
Austria	District Administration Authorities (administrative fines up to 14.600,- (per case))
Belgium	CREG
Bulgaria	
Cyprus	
Czech Republic	Currently not defined. In future: State Energy Inspection
Denmark	DERA will take initiative, but fines have to imposed by the legal system (courts).
Estonia	Estonian Energy Market Inspectorate
Finland	
France	NRA (Commission de Régulation de l'Energie)
Germany	Bundesnetzagentur
Great Britain	OFGEM
Greece	RAE (administrative sanctions)
Hungary	Hungarian Energy Office
Ireland (Republic of)	The Department of Communications, Energy and Natural Resources
Northern Ireland	Relevant party has not nominated a competent authority yet to impose penalties and sanctions
Italy	Ministry of Economic Development
Latvia	
Lithuania	
Luxemburg	
Malta	
Netherlands	The Netherlands Competition Authority
Poland	The President of the Energy Regulatory Office
Portugal	
Romania	
Slovak Republic	NA (Article 7 and 8 -DSO)
Slovenia	Offence Authorities
Spain	NRA and the Ministry of Industry
Sweden	The Energy Markets Inspectorate
<b>EREGG Observers</b>	
Iceland	
Croatia	
Norway	
Turkey	EMRA

Source: EREGG Additional Transparency Monitoring 2007

- Question 1.2 has not been considered here, since it is the Member State's responsibility to carry out the notification, not the NRA's.
- Question: Please describe the nature of the sanction the 'competent authority' can impose.
- Analysis of responses (shown in the following figure).

**Figure 2: Nature: Sanctions**

<b>Summary of responses (overview)</b>	
<b>Question</b>	Please describe the nature of the sanction the 'competent authority' can impose.
<b>ERGEG Members</b>	
Austria	Fine
Belgium	Fine
Bulgaria	
Cyprus	
Czech Republic	Not applicable
Denmark	Fine
Estonia	Fine
Finland	
France	Fine
Germany	Fine
Great Britain	Penalty
Greece	Fine and withdrawal of licence
Hungary	Withdrawal of licence
Ireland (Republic of)	Other
Northern Ireland	
Italy	Information not available at the moment
Latvia	
Lithuania	
Luxemburg	
Malta	
Netherlands	Other
Poland	Penalty
Portugal	
Romania	
Slovak Republic	Fine
Slovenia	Penalty
Spain	Fine
Sweden	Fine
<b>ERGEG Observers</b>	
Iceland	
Croatia	
Norway	
Turkey	Fine and withdrawal of licence

Source: ERGEG Additional Transparency Monitoring 2007

- Question: For which provisions of the Regulation 1775/2005/EC can the 'competent authority' not impose a sanction?
- Detailed questions:
  1. Article 3
  2. Article 4
  3. Article 5

4. Article 6
  5. Article 7
  6. Article 8
- Reference: Regulation 1775/2005/EC.
  - Analysis of responses (shown in the following figure).

**Figure 3: Areas: Sanctions**

<b>Summary of responses (overview)</b>					
<b>Question</b>	<b>For which provisions of the Regulation 1775 can the 'competent authority' not impose a sanction?</b>				
<b>Summary of responses</b>	<b>Yes</b>	<b>No</b>	<b>Not applicable</b>	<b>Not known</b>	<b>Empty cell</b>
<b>Article 3</b>	Belgium, Estonia, Hungary, Slovak Republic	Germany, Great Britain, Greece, Netherlands, Poland, Slovenia, Spain, Sweden	Czech Republic, France	Ireland (Republic of)	Austria, Denmark, Italy, Turkey
<b>Article 4</b>	Belgium, Estonia, Hungary, Slovak Republic	France, Germany, Great Britain, Greece, Netherlands, Poland, Slovenia, Spain, Sweden	Czech Republic	Ireland (Republic of)	Austria, Denmark, Italy, Turkey
<b>Article 5</b>	Belgium, Hungary, Slovak Republic	France, Germany, Great Britain, Greece, Netherlands, Poland, Slovenia, Spain, Sweden	Czech Republic, Estonia	Ireland (Republic of)	Austria, Denmark, Italy, Turkey
<b>Article 6</b>	Belgium, Estonia, France, Hungary, Slovak Republic	Germany, Great Britain, Greece, Netherlands, Poland, Slovenia, Spain, Sweden	Czech Republic	Ireland (Republic of)	Austria, Denmark, Italy, Turkey
<b>Article 7</b>	Belgium, Estonia, Hungary	France, Germany, Great Britain, Greece, Netherlands, Poland, Slovenia, Spain, Sweden	Czech Republic, Slovak Republic	Ireland (Republic of)	Austria, Denmark, Italy, Turkey
<b>Article 8</b>	Belgium, France, Hungary	Germany, Great Britain, Greece, Netherlands, Poland, Slovenia	Czech Republic, Estonia, Slovak Republic, Sweden	Ireland (Republic of)	Austria, Denmark, Italy, Spain, Turkey

Source: ERGEG Additional Transparency Monitoring 2007

- Question: How often have sanctions been imposed?

- Analysis of responses (shown in the following figure).

**Figure 4: Frequency: Sanctions**

<b>Summary of responses (overview)</b>	
<b>Question</b>	How often have sanctions been imposed?
<b>EREG Members</b>	
Austria	No sanctions imposed so far
Belgium	No sanctions imposed so far
Bulgaria	
Cyprus	
Czech Republic	
Denmark	No sanctions imposed so far
Estonia	No sanctions imposed so far
Finland	
France	No sanctions imposed so far
Germany	No sanctions imposed so far
Great Britain	No sanctions imposed so far
Greece	No sanctions imposed so far
Hungary	No sanctions imposed so far
Ireland (Republic of)	No sanctions imposed so far
Northern Ireland	N/A
Italy	No sanctions imposed so far
Latvia	
Lithuania	
Luxemburg	
Malta	
Netherlands	Once
Poland	No sanctions imposed so far
Portugal	
Romania	
Slovak Republic	No sanctions imposed so far
Slovenia	No sanctions imposed so far
Spain	No sanctions imposed so far
Sweden	No sanctions imposed so far
<b>EREG Observers</b>	
Iceland	
Croatia	
Norway	
Turkey	No sanctions imposed so far

Source: EREG Additional Transparency Monitoring 2007

- Question: If sanctions have been imposed, please provide a brief description.
- Analysis of responses (shown in the following figure).

**Figure 5: Description: Sanctions**

<b>Summary of responses (overview)</b>	
<b>Question</b>	If sanctions have been imposed, please provide a brief description.
<b>EREGG Members</b>	
Austria	
Belgium	
Bulgaria	
Cyprus	
Czech Republic	
Denmark	
Estonia	
Finland	
France	Not applicable
Germany	Not applicable
Great Britain	
Greece	Not applicable
Hungary	
Ireland (Republic of)	Not applicable
Northern Ireland	Not applicable
Italy	
Latvia	
Lithuania	
Luxemburg	
Malta	
Netherlands	A binding direction to comply with i.a. art. 5.4 and 6.
Poland	Not applicable
Portugal	
Romania	
Slovak Republic	
Slovenia	Not applicable
Spain	
Sweden	Not applicable
<b>EREGG Observers</b>	
Iceland	
Croatia	
Norway	
Turkey	Sanctions have not been imposed

Source: EREGG Additional Transparency Monitoring 2007

### 3.1.2. Minus 3 Shipper Rule

- Question: How many minus 3 approval requests for non-publication under the Gas Regulation have you received?
- Detailed questions:
  1. Total number of requests

2. Number by each TSO
  3. What were typical arguments put forward for the request?
- Analysis of responses (shown in the following figure).

**Figure 6: Requests: 3minus shipper rule**

Summary of responses (overview)		
Question	How many less than 3 approval requests for non-publication under the Gas Regulation have you received?	
	Total number of requests	Number by each TSO
<b>ERGEG Members</b>		
Austria	0	
Belgium	No	No
Bulgaria		
Cyprus		
Czech Republic	1	1
Denmark	0	
Estonia	0	0
Finland		
France	1	1
Germany	5	One by each TSO
Great Britain	0	
Greece	Empty cell	Empty cell
Hungary	0	
Ireland (Republic of)		
Northern Ireland	0	0
Italy	0	0
Latvia		
Lithuania		
Luxemburg		
Malta		
Netherlands	none under current EU-legislation, one under previous dutch confidentiality provision	One
Poland	1	1
Portugal		
Romania		
Slovak Republic	3 minus shipper rule - legislation under preparation	
Slovenia	0	0
Spain	0	0
Sweden		
<b>ERGEG Observers</b>		
Iceland		
Croatia		
Norway		
Turkey	N.A.	N.A.

Source: ERGEG Additional Transparency Monitoring 2007

- Question: What were typical arguments put forward for the request?
- Analysis of responses: Examples of typical arguments put forward (shown below).

**Figure 7: Examples of typical arguments put forward**

<b>Summary of responses (overview)</b>	
<b>Question</b>	What were typical arguments put forward for the request?
<b>EREG Members</b>	
Austria	
Belgium	No
Bulgaria	
Cyprus	
Czech Republic	Commercially confidential data - stated in transmission agreements
Denmark	
Estonia	Not applicable
Finland	
France	The unique shipper and its unique client consider that the information concerning daily flows is confidential
Germany	Protection of confidential information of shippers and end consumers; contractual confidentiality obligations; implications of new German market model: some interconnections points cannot be booked by shippers, therefore no market need for publication of information on these points
Great Britain	
Greece	Empty cell
Hungary	
Ireland (Republic of)	
Northern Ireland	Not applicable
Italy	Not applicable
Latvia	
Lithuania	
Luxemburg	
Malta	
Netherlands	Request from marketparties has to be granted
Poland	The TSO put forward that publication of numerical information would have violated commercially sensitive information. The TSO added that transmission contracts were classified as commercial secret by its trade partner on the basis of existing regulations - 1.) Act on Suppression of Unfair Competition of 16 April 1993 (Dz. U. 2003, no. 153, item 1503, as amended).
Portugal	
Romania	
Slovak Republic	
Slovenia	Not applicable
Spain	No request
Sweden	
<b>EREG Observers</b>	
Iceland	
Croatia	
Norway	
Turkey	Not applicable

Source: EREG Additional Transparency Monitoring 2007

- Question: How many of these requests did you approve?
  
- Detailed questions:
  1. If the authorisation was granted, was the available capacity information published without indicating the numerical data that would contravene confidentiality?
  
  2. Please outline the justification for the decisions taken by the NRA (both where the request was approved and rejected):
    - If approved.
    - If rejected.
  
- Analysis of responses (shown in the following figure).

**Figure 8: Approval: Requests**

Summary of responses (overview)	
Question	How many of these requests did you approve?
<b>EREG Members</b>	
Austria	
Belgium	No
Bulgaria	
Cyprus	
Czech Republic	1
Denmark	
Estonia	Not applicable
Finland	
France	1
Germany	Requests are currently under review. No request has been approved or rejected yet.
Great Britain	
Greece	Empty cell
Hungary	0
Ireland (Republic of)	
Northern Ireland	0
Italy	N.A.
Latvia	
Lithuania	
Luxemburg	
Malta	
Netherlands	one informal
Poland	1
Portugal	
Romania	
Slovak Republic	
Slovenia	not applicable
Spain	
Sweden	
<b>EREG Observers</b>	
Iceland	
Croatia	
Norway	
Turkey	N.A.

Source: EREG Additional Transparency Monitoring 2007

- Question: If the authorisation was granted, was the available capacity information published without indicating the numerical data that would contravene confidentiality?
- Analysis of responses (shown in the following figure).

**Figure 9: Authorisation granted: Publication of available capacity**

<b>Summary of responses (overview)</b>	
<b>Question</b>	If the authorisation was granted, was the available capacity information published without indicating the numerical data that would contravene confidentiality?
<b>EREG Members</b>	
Austria	
Belgium	Empty cell
Bulgaria	
Cyprus	
Czech Republic	Yes
Denmark	
Estonia	Not applicable
Finland	
France	Yes
Germany	Not applicable
Great Britain	Empty cell
Greece	Empty cell
Hungary	Not applicable
Ireland (Republic of)	
Northern Ireland	Not applicable
Italy	Not applicable
Latvia	
Lithuania	
Luxemburg	
Malta	
Netherlands	Empty cell
Poland	Yes
Portugal	
Romania	
Slovak Republic	Empty cell
Slovenia	Not applicable
Spain	Not applicable
Sweden	
<b>EREG Observers</b>	
Iceland	
Croatia	
Norway	
Turkey	Not applicable

Source: EREG Additional Transparency Monitoring 2007

- Question: Please outline the justification for the decisions taken by the NRA (both where the request was approved and rejected).
- Analysis of responses (shown in the following figure).

**Figure 10: Justification: Decision taken by NRA**

Summary of responses (overview)			
Question	Please outline the justification for the decisions taken by the NRA (both where the request was approved and rejected)	If approved	If rejected
<b>EREG Members</b>			
Austria			
Belgium			
Bulgaria			
Cyprus			
Czech Republic		The Energy Regulatory Office agreed that the confidentiality obligation stated in transmission contract shall not be breached.	
Denmark			
Estonia	Not applicable	Not applicable	Not applicable
Finland			
France		Information concerning the daily flows considered as confidential by the NRA. Furthermore, a publication of this information would not contribute to the creation of an internal gas market, given the nature of the client of the shipper.	N/A
Germany	N/A	N/A	N/A
Great Britain			
Greece	Empty cell	Empty cell	Empty cell
Hungary			
Ireland (Republic of)			
Northern Ireland	0	0	0
Italy	Not applicable	Not applicable	Not applicable
Latvia			
Lithuania			
Luxembourg			
Malta			
Netherlands			
Poland		In our opinion, reasons stated in request justify limitation of publication. Therefore the decision for a limited period of time (1 year) was granted.	
Portugal			
Romania			
Slovak Republic			
Slovenia	Not applicable	Not applicable	Not applicable
Spain		No request until now	No request until now
Sweden			
<b>EREG Observers</b>			
Iceland			
Croatia			
Norway			
Turkey	N.A.	N.A.	N.A.

Source: EREG Additional Transparency Monitoring 2007

- Question: In all cases were the views of the affected shipper or shippers sought prior to a decision being taken?
- Analysis of responses (shown in the following figure).

**Figure 11: Views of shippers**

Summary of responses (overview)	
Question	In all cases where the views of the affected shipper or shippers sought prior to a decision being taken ?
<b>ERGEG Members</b>	
Austria	
Belgium	Empty cell
Bulgaria	
Cyprus	
Czech Republic	Yes
Denmark	
Estonia	Not applicable
Finland	
France	Yes
Germany	Yes
Great Britain	Empty cell
Greece	Empty cell
Hungary	Not applicable
Ireland (Republic of)	Empty cell
Northern Ireland	Not applicable
Italy	Not applicable
Latvia	
Lithuania	
Luxemburg	
Malta	
Netherlands	Empty cell
Poland	Yes
Portugal	
Romania	
Slovak Republic	Empty cell
Slovenia	Not applicable
Spain	Not applicable
Sweden	
<b>ERGEG Observers</b>	
Iceland	
Croatia	
Norway	
Turkey	Not applicable

Source: ERGEG Additional Transparency Monitoring 2007

- Question: If the authorisation was granted available capacity, information should be published without indicating the numerical data that would contravene confidentiality. Can you confirm that this has been the case in all instances?
- Analysis of responses (shown in the following figure).

**Figure 12: Authorisation: Publication and Confidentiality**

<b>Summary of responses (overview)</b>	
<b>Question</b>	If the authorisation was granted available capacity information should be published without indicating the numerical data that would contravene confidentiality. Can you confirm that this has been the case in all instances?
<b>ERGEG Members</b>	
Austria	
Belgium	Empty cell
Bulgaria	
Cyprus	
Czech Republic	Yes
Denmark	
Estonia	Not applicable
Finland	
France	Yes
Germany	Not applicable
Great Britain	Empty cell
Greece	Empty cell
Hungary	Not applicable
Ireland (Republic of)	Empty cell
Northern Ireland	Not applicable
Italy	Not applicable
Latvia	
Lithuania	
Luxemburg	
Malta	
Netherlands	Empty cell
Poland	Yes
Portugal	
Romania	
Slovak Republic	Empty cell
Slovenia	Not applicable
Spain	Not applicable
Sweden	
<b>ERGEG Observers</b>	
Iceland	
Croatia	
Norway	
Turkey	Not applicable

Source: ERGEG Additional Transparency Monitoring 2007

- Question: Have the 'relevant points' been approved by the NRA?

- Reference: Art. 5.1 and 6.3 of Regulation 1775/2005/EC.
- Analysis of responses (shown in the following figure).

**Figure 13: Approval: Relevant Points**

Summary of responses (overview)	
Question	Have the 'relevant points' been approved by the NRA?
<b>ERGEG Members</b>	
Austria	No
Belgium	Empty cell
Bulgaria	
Cyprus	
Czech Republic	Yes
Denmark	
Estonia	Not applicable
Finland	
France	Yes
Germany	Currently under review
Great Britain	No
Greece	Empty cell
Hungary	No
Ireland (Republic of)	No
Northern Ireland	Yes
Italy	Yes
Latvia	
Lithuania	
Luxemburg	
Malta	
Netherlands	Yes
Poland	No
Portugal	
Romania	
Slovak Republic	Empty cell
Slovenia	Yes
Spain	Yes
Sweden	
<b>ERGEG Observers</b>	
Iceland	
Croatia	
Norway	
Turkey	No

Source: ERGEG Additional Transparency Monitoring 2007

- Question: Do the 'relevant points' comply with the criteria set in the para 3.2 of the Annex to the Reg. 1775/2005/EC?
- Reference: Ref. Para. 3.2, Annex, Regulation 1775/2005/EC.

- Analysis of responses (shown in the following figure).

**Figure 14: Compliance: Relevant Points**

<b>Summary of responses (overview)</b>	
<b>Question</b>	Do the 'relevant points' comply with the criteria set in the para 3.2 of the Annex to the Reg. 1775/2005/EC?
<b>ERGEG Members</b>	
Austria	
Belgium	Empty cell
Bulgaria	
Cyprus	
Czech Republic	Yes
Denmark	
Estonia	Not applicable
Finland	
France	Yes
Germany	Yes
Great Britain	Not known
Greece	Empty cell
Hungary	Not applicable
Ireland (Republic of)	Not applicable
Northern Ireland	Yes
Italy	Yes
Latvia	
Lithuania	
Luxemburg	
Malta	
Netherlands	Empty cell
Poland	Not applicable
Portugal	
Romania	
Slovak Republic	Empty cell
Slovenia	Yes
Spain	Yes
Sweden	
<b>ERGEG Observers</b>	
Iceland	
Croatia	
Norway	
Turkey	Yes

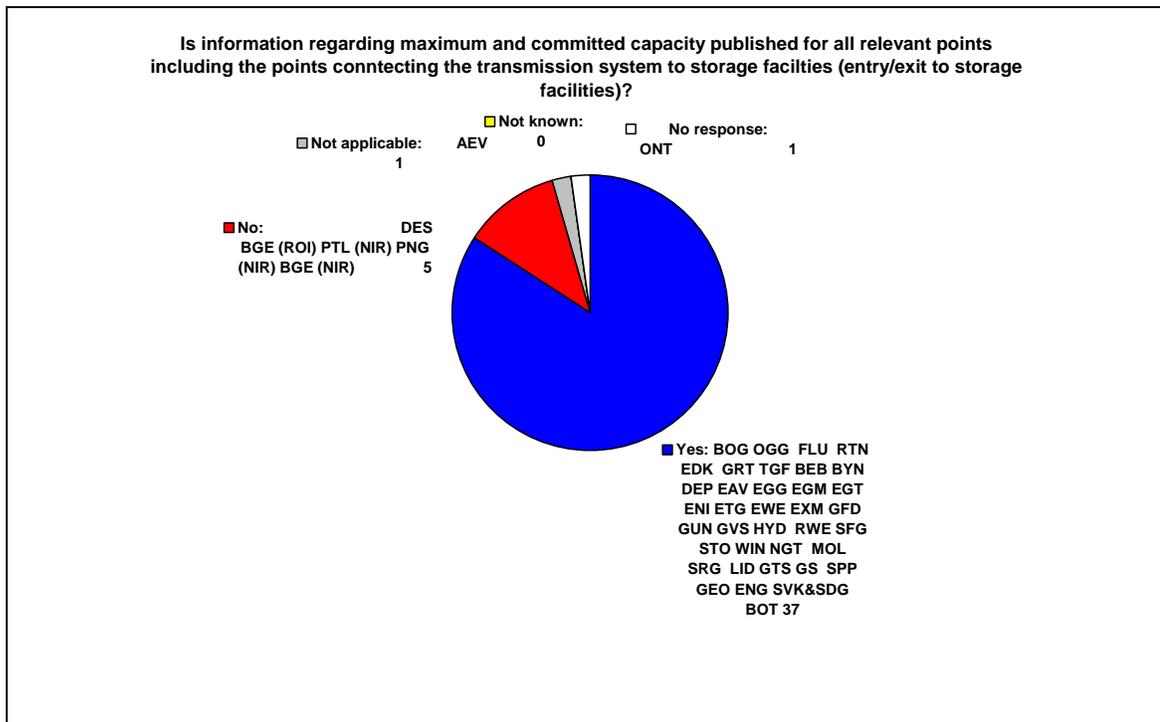
Source: ERGEG Additional Transparency Monitoring 2007

### 3.2. Transmission System Operators (TSOs)

#### 3.2.1. Transparency Requirements

- Question: Is information regarding maximum and committed capacity published for all relevant points including the points connecting the transmission system to storage facilities (entry/exit to storage facilities)?
- Reference: DEN-version Madrid12 para 39<sup>2</sup>.
- Analysis of responses (shown in the following figure).

**Figure 15: Publication: Maximum/Committed Capacity**



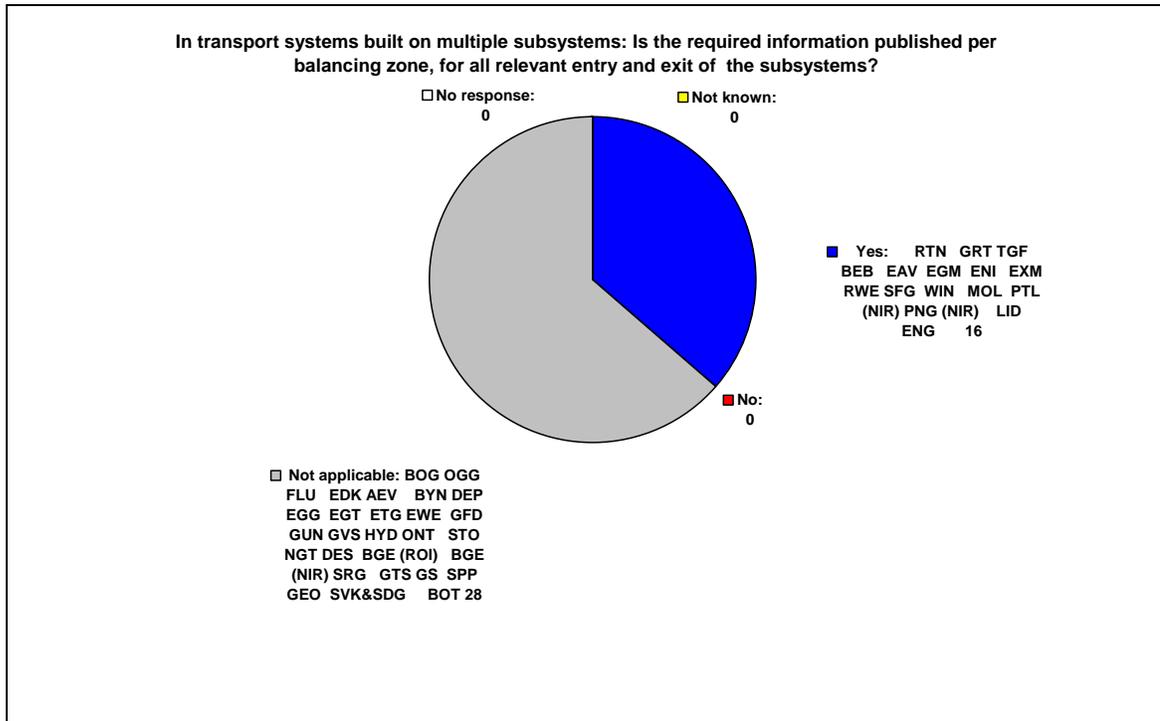
Source: ERGEG Additional Transparency Monitoring 2007

- Question: In transport systems built on multiple subsystems, is the required information published per balancing zone, for all relevant entry and exit of the subsystems?

<sup>2</sup> See footnote "1" above.

- Reference: DEN-version Madrid12 para 38<sup>3</sup>.
- Analysis of responses (shown in the following figure).

**Figure 16: Subsystems: Publication of Information**



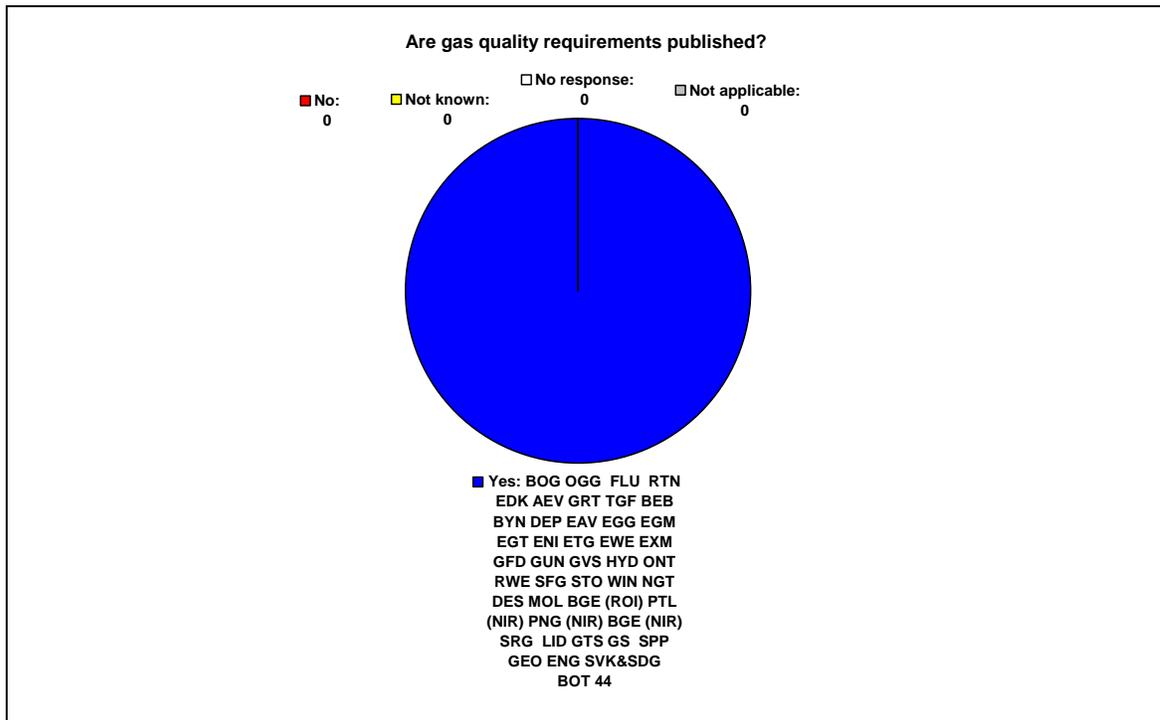
Source: ERGEG Additional Transparency Monitoring 2007

- Question: Are gas quality requirements published?
- Reference: DEN-version Madrid12 para 16 & 17<sup>4</sup>.
- Analysis of responses (shown in the following figure).

<sup>3</sup> See footnote “1” above.

<sup>4</sup> See footnote “1” above.

**Figure 17: Publication: Gas Quality**

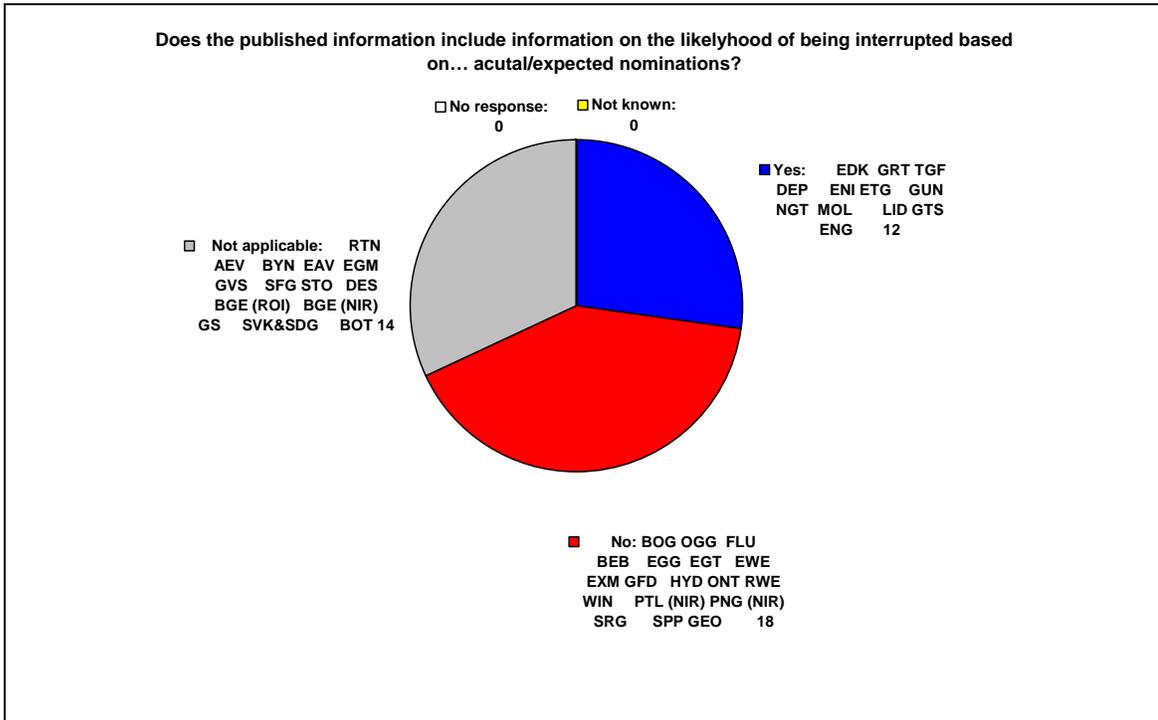


Source: ERGEG Additional Transparency Monitoring 2007

- Question: Does the published information include information on the likelihood of being interrupted based on any of the detailed questions below?
- Detailed questions:
  1. Actual/expected nominations?
  2. Experiences gained from historical information?
- Reference: DEN-version Madrid12 para 28 & 30<sup>5</sup>.
- Analysis of responses (shown in the following figure).

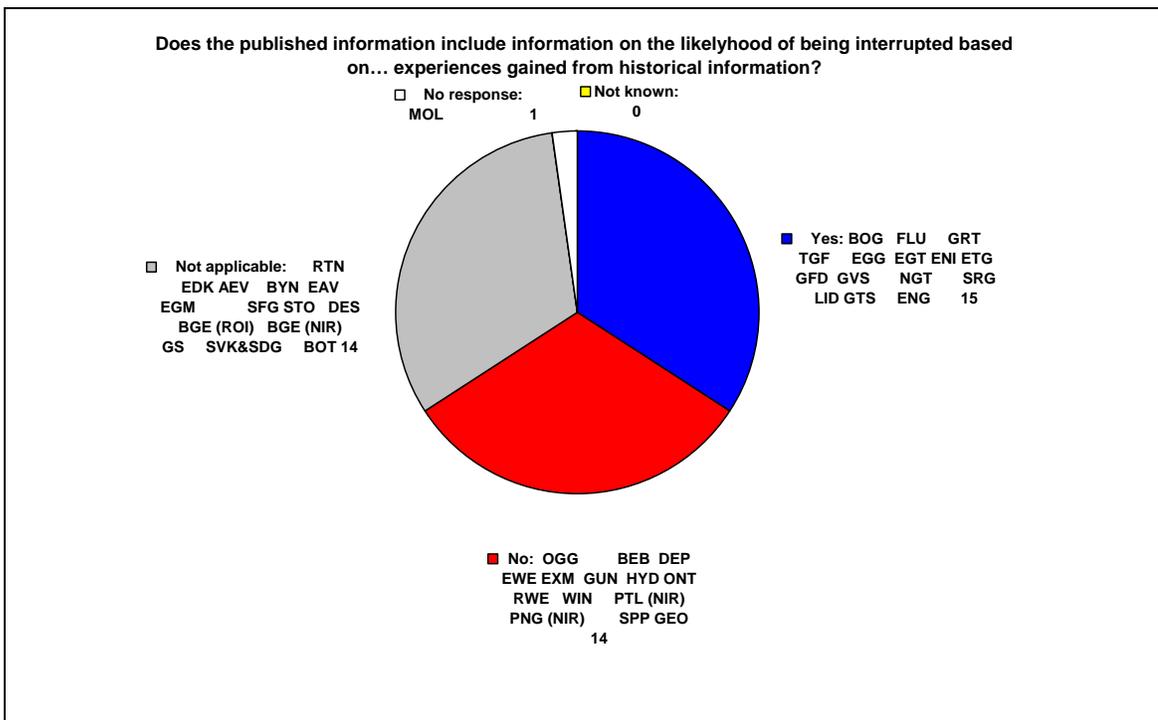
<sup>5</sup> See footnote "1" above.

**Figure 18: Likelihood: Interruptions: Actual/expected nominations**



Source: ERGEG Additional Transparency Monitoring 2007

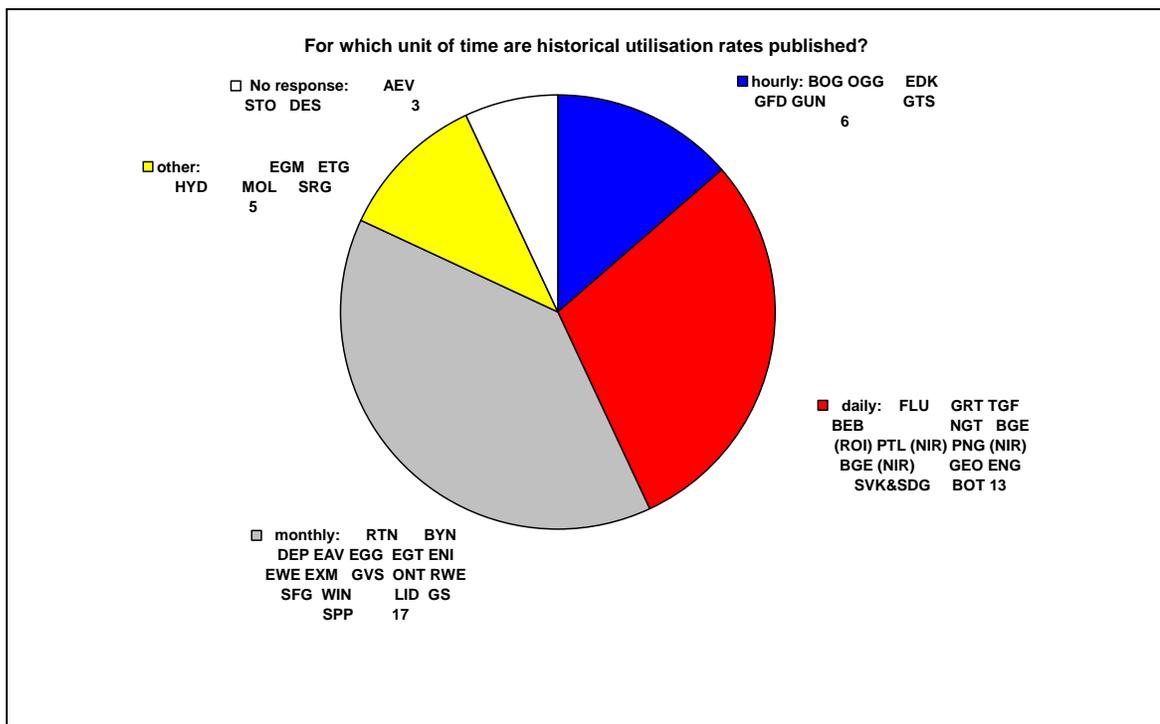
**Figure 19: Likelihood: Interruptions: Historical information**



Source: ERGEG Additional Transparency Monitoring 2007

- Question: For which unit of time are historical utilisation rates published?
- Reference: DEN-version Madrid12 para 33&34<sup>6</sup>.
- Analysis of responses (shown in the following figure).

**Figure 20: Publications: Historical Utilisation Rates**



Source: ERGEG Additional Transparency Monitoring 2007

- Question: If there are any legal provisions prohibiting the publication of confidential information, what are they?
  - Reference: Question 9.3 (Compliance with Transparency Requirements of Gas Regulation 1775/2005/EC - An ERGEG Monitoring Report [E07-TRA-02-03]).

<sup>6</sup> See footnote "1" above.

- Analysis of responses (shown in the following table).

**Table 4: Legal Provisions: Prohibition of publication**

TSOs	Response
BOG (Austria)	EU Directive 1775/2005, GWG, DSG 2000
OGG (Austria)	not applicable
FLU (Belgium)	Quote from Fluxys comment: "The Transporter shall keep the confidentiality of commercially sensitive information in compliance with the relevant regulations and with its internal guidelines." (Source: MATRS 2007).
RTN (Czech Republic)	Yes.
EDK (Denmark)	No. In general ENDK informs about all border points, even where there are less than three shippers active.
GRT (France)	Art. 9 of the law n° 2003-8 of 3 January 2003 disposes that system operators preserve the confidentiality of information which could harm a fair competition (transposition of art. 10 of Dir. 2003/55). No legal provisions impeding the publication of information required by Reg. 1775/2005.
TGF (France)	Art. 9 of the law n° 2003-8 of 3 January 2003 disposes that system operators preserve the confidentiality of information which could harm a fair competition (transposition of art. 10 of Dir. 2003/55). No legal provisions impeding the publication of information required by Reg. 1775/2005.
BEB (Germany)	3-shipper- rule.
BYN (Germany)	Confidentiality concerning business secrets.
DEP (Germany)	Yes, 3-shipper-rule.
EAV (Germany)	Legal data protection conditions.
EGG (Germany)	At entry and exit points, where less than 3 shippers have booked capacity at the same time, an exemption may be granted by the German regulator for reasons of disclosure of commercially sensitive data (Art. 6 Clause 5 Regulation (EC) No 1775/2005).
EGM (Germany)	Art. 6 Abs. 5 VO (EG) 1775/2005 §20 Abs. 3 GasNZV.
EGT (Germany)	At entry and exit points, where less than 3 shippers have booked capacity at the same time, an exemption may be granted by the German regulator for reasons of disclosure of commercially sensitive data (Art. 6 Clause 5 Regulation (EC) No 1775/2005).
ENI (Germany)	There are none.

<b>TSOs</b>	<b>Response</b>
ETG (Germany)	According to German GasNZV § 20 No. 9.
EWE (Germany)	§ 9 Abs. 1 EnWG.
EXM (Germany)	§ 20 para 3 German Gas Grid Access Regulation - Publication of data is only permitted if justifiable interests of transportation customers are not affected.
GFD (Germany)	Article 6 section 5 of the European Regulation 1775/2005.
GUN (Germany)	according to German Law, §20 Abs. 3 Gasnetzzugangsverordnung
HYD (Germany)	As far as we know the law, there are no legal provisions in the German law prohibiting the publication of confidential information.
ONT (Germany)	§ 20.3. GasNZV
RWE (Germany)	Art. 6 para. 5 Regulation 1775/2005 (3 Shipper-Rule), § 20 para. 3 GasNZV, § 9 EnWG.
SFG (Germany)	There are legal provisions particularly in § 9 EnWG and in the "Gleichbehandlungsprogramm". The "Gleichbehandlungsprogramm" is a program for the equal access to the network.
STO (Germany)	Existence and ongoing discussion on application of less than 3 shipper rule.
WIN (Germany)	§ 20 (3) Gasnetzzugangsverordnung; Art. 6 (5) Regulation (EC) No 1775/2005.
NGT (Great Britain)	Utilities Act 2000, Section 105 restricts the disclosure of information relating to any particular business (i.e. shipper) except under certain conditions such as the shipper consents to the disclosure, or the licence holder is required to release this information by a condition in the licence.
DES (Greece)	There are confidentiality clauses in the Standard Transmission Agreement (STA) (currently approved by a Ministerial Decree) and they will be confidentiality provisions in the forthcoming Network Code. All of these are however without prejudice to the provisions of the national law and most importantly of Regulation 1775/2005. It is therefore evident that no restriction to the transparency requirements is or may be posed by such provisions.
MOL (Hungary)	Publishing confidential information is prohibited by the Gas Law. So we publish aggregated capacity etc.
BGE (ROI) (Ireland (Republic of))	Shippers have raised objections regarding publication of information (Regulation (EC) 1775/2005 Article 6). The CER consultation on relevant Entry / Exit points has been completed and CER approval is awaited.
PTL (NIR) (Ireland (Northern Ireland))	Not applicable.

TSOs	Response
PNG (NIR) (Ireland (Northern Ireland))	Network Code places obligations on operator in relation to the information that can be provided to shippers on its network.
BGE (NIR) (Ireland (Northern Ireland))	The list of Relevant Points have been supplied to the NRA and approved by the NRA. The extent and level of detail of the information to be published at these Relevant Points is yet to be notified by the NRA.
SRG (Italy)	There aren't specific legal provisions, as general provision law n°675/96 is applied.
LID (Lithuania)	Lietuvos Dujos (TSO) has a list of information constituting commercial secrets, confidential information and information for official use only. All information fit in with this list is confidential.
GTS (Netherlands)	Regulation EC 1775/2005 (Art. 6); Gas Act (Art. 37); Gas Conditions (Art. 6 Transportvoorwaarden Gas - LNB). In short, the gas act states that a TSO has to treat information that is confidential as such and is not permitted to disclose this information unless a legal requirement obliges the operator to do so. Regulation 1775/2005 states that information on points where less than three shippers are active can potentially be confidential. The gas act determines that NMa/DTe is the relevant authority mentioned in the regulation determining whether exemption from publication is granted. The Gas Conditions specify that information which is considered confidential according to Art. 37 of the Gas Act is not to be published like non-confidential information. There is still an objection procedure running regarding how/what information should be published if it is confidential.
GS (Poland)	1.) Act on Suppression of Unfair Competition of 16 April 1993 (Dz. U. 2003, no. 153, item 1503, as amended). 2.) Classified Information Protection Act of 22 January 1999 (Dz. U. 2005, no 196, item 1631, as amended).
SPP (Slovak Republic)	Network users (traders) have the right to request protection of confidential information related to their business (trade secret), based on the Commercial Code and the Act on Energy. However, NRA has the competence to get all data disclosed with respect to its regulatory activities and duties given by law.
GEO (Slovenia)	Regulation EC 1775/2005
ENG (Spain)	Yes, RD 1434/2002. TSO/DSO can't disclose the confidential information provided by system users.
SVK&SDG (Sweden)	Swedish Secrecy Act may prohibit publication of certain information within the hands of authorities and public enterprises.

TSOs	Response
BOT (Turkey)	Article 7/b/3 and 7/b/4 of Natural Gas Market Law, article 38 of Natural Gas Market Licence Regulation, article 17 of Network Operation Regulation.

Source: ERGEG Additional Transparency Monitoring 2007

- Question: If there are any contractual provisions prohibiting the publication of confidential information, what are they?
- Reference: Question 9.4 (Compliance with Transparency Requirements of Gas Regulation 1775/2005/EC - An ERGEG Monitoring Report [E07-TRA-02-03]).
- Analysis of responses (shown in the following table).

**Table 5: Contractual Provisions: Prohibition of publication**

TSOs	Response
BOG (Austria)	Confidentiality clauses.
OGG (Austria)	Not applicable.
FLU (Belgium)	Quote from Fluxys comment: "Gaswet / Loi Gaz (Belgian Law), Code of Conduct, MATRS 2007".
RTN (Czech Republic)	The old transit contracts contain standard confidentiality clauses. Also, the Network Code includes certain confidentiality obligations on the part of the TSO. Provisions of both the Czech Energy Act and Regulation (EC) 1775/2005 must be considered in that regard.
EDK (Denmark)	None.
GRT (France)	There are no contractual provisions impeding the publication of the information required by the Reg. 1775/2005. The General Terms and Conditions of the Transmission Contracts of both GRTgaz and TIGF contain a standardised clause disposing that "each Party undertakes to maintain confidentiality with regard to third parties, any information supplied by the other Party in the preparation or performance of the Contract."
TGF (France)	There are no contractual provisions impeding the publication of the information required by the Reg. 1775/2005. The General Terms and Conditions of the Transmission Contracts of TIGF contain a standardised clause disposing that "each Party undertakes to maintain confidentiality with regard to third parties, any information supplied by the other Party in the preparation or performance of the Contract."

TSOs	Response
BEB (Germany)	Article 47 (Confidentiality Clause) General Terms and Conditions for transmission of gas as from 1.10.2006 (GT&Cs).
BYN (Germany)	Confidentiality concerning business secrets.
DEP (Germany)	No provisions.
EAV (Germany)	Depending on individual contracts.
EGG (Germany)	Grid connection agreement; transmission conditions.
EGM (Germany)	§4 Ziffer 3 Kooperationsvereinbarung der Netzbetreiber (KoV II), Stand 25.4.2007; §27 KoV II ; §53 Netzzugangsbedingungen auf Basis KoV II.
EGT (Germany)	Grid connection agreement, transmission conditions.
ENI (Germany)	The contractual according with the shippers prohibits such publication.
ETG (Germany)	See question 1.6.
EWE (Germany)	Not applicable.
EXM (Germany)	<p>Term of General Terms and Conditions standardised for all German TSOs: § 53 Confidentiality.</p> <p>1. The parties are to maintain confidentiality re the content of a contract and all information they have received in connection with the contract (hereinafter “confidential information”) subject to the terms of Clause 2 and § 53 and not disclose this to third parties unless the contractual partner affected has given prior permission in writing. The contractual partners undertake to use the confidential information solely for the realisation of the respective contract.</p> <p>2. Each partner has the right to disclose confidential information received from the other contractual partners without their written authorisation:</p> <p>a) To an affiliated company, where this is equally obliged to maintain confidentiality obliged;</p> <p>b) to its representatives, consultants, banks and insurers, where the disclosure is necessary for the proper satisfaction of the contractual obligations and these persons or companies for their part are obliged to confidential treatment of the information obliged or are obligated to maintain confidentiality by merit of their profession; or</p> <p>c) to the extent that this confidential information:</p> <ul style="list-style-type: none"> <li>- was already known to the partner receiving this information at the time it received it from the other contractual partner;</li> <li>- was already available or accessible to the public in a manner other than through the actions or omissions of the receiving contractual partner; or</li> <li>- must be disclosed by a contractual partner due to legal stipulation or</li> </ul>

TSOs	Response
	<p>court or official order; in this event, the disclosing party is to notify the other contractual partner of this immediately.</p> <p>3. The obligation to maintain confidentiality ends 4 years after the end of the respective Agreement.</p> <p>4. § 9 EnWG remains unaffected.</p>
GUN (Germany)	According to AGB in Verbindung mit § 47 Kooperationsvereinbarung II (in der Änderungsfassung vom 25.04.2007).
HYD (Germany)	We have confidentiality clauses in the transportation contracts.
ONT (Germany)	General confidential clause taking into account § 9 EnWG.
RWE (Germany)	Confidential clause of the General Terms and Conditions of RWE Transportnetz Gas GmbH.
SFG (Germany)	There are confidential terms in the contracts and in the "Vereinbarung über die Kooperation gemäß § 20 Abs. 1 b) EnWG zwischen den Betreibern von in Deutschland gelegenen Gasversorgungsnetzen".
STO (Germany)	Due to the ongoing discussion customers have made provisional reservations to protect their commercially sensitive data.
WIN (Germany)	Confidentiality rules according to our terms and conditions based on the German "Kooperationsvereinbarung" (cooperation agreement).
NGT (Great Britain)	Bilateral contracts (e.g. Network Entry or Exit Agreements) contains confidentiality provisions covering any information shared between Parties in connection with the contract, such as daily flow notifications and off take profile notifications, as well as the specific gas quality requirements at that entry/exit point.
DES (Greece)	See previous answer: TPA is possible only through STA, which as a standardised contractual agreement, is, in its legal nature, secondary legislation.
MOL (Hungary)	Secrecy is written in the Capacity booking contract, every data is confidential, which related to the contract.
BGE (ROI) (Ireland)	No.

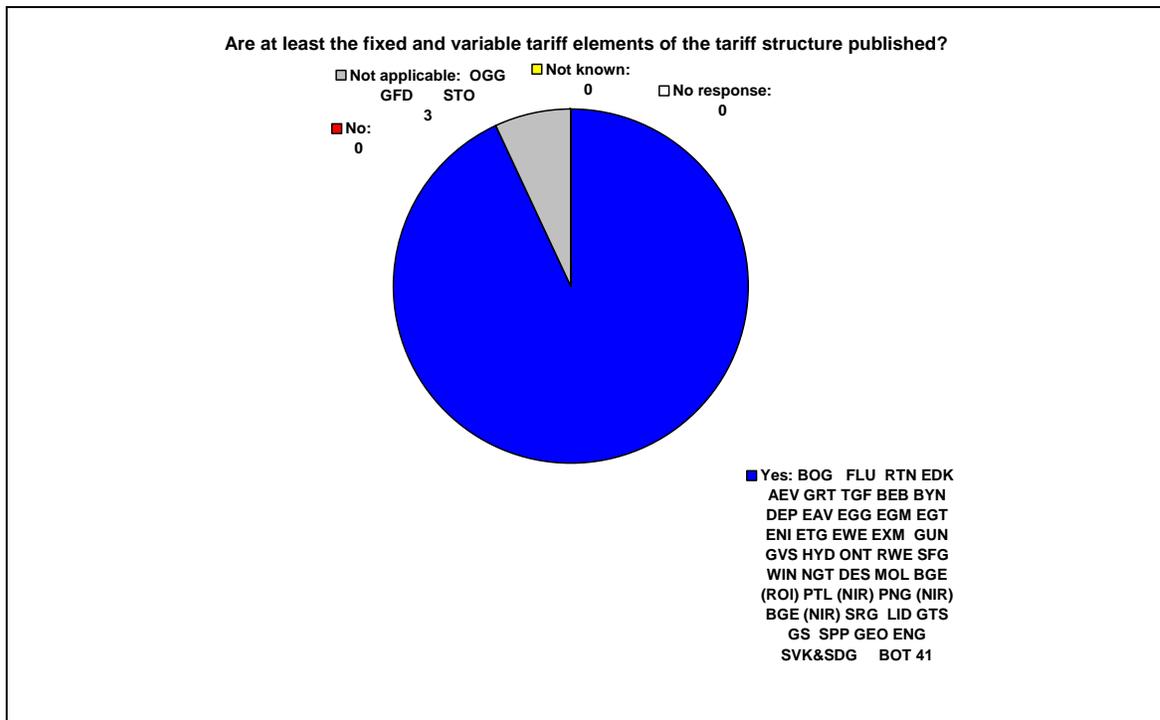
TSOs	Response
(Republic of))	
PTL (NIR) (Ireland (Northern Ireland))	Not applicable.
PNG (NIR) (Ireland (Northern Ireland))	Network Code places obligations on operator in relation to the information that can be provided to shippers on its network.
BGE (NIR) (Ireland (Northern Ireland))	No.
SRG (Italy)	According to chapter n°20 of the Network Code Snam Rete Gas and Shippers must treat all information concerning the activities of one of the parties as confidential.
LID (Lithuania)	According to transmission agreement, signed by TSO and shipper, the Parties agree that contents of agreement and all information received by the Parties during negotiations, conclusion and performance hereof is considered to be confidential except the case of submitting of the mandatory information established by laws of the Republic of Lithuania.
GTS (Netherlands)	GTS' standard terms and conditions (Transmission Service Conditions (TSC)) contain a confidentiality clause (Art. 9); see <a href="http://www.gastransportservices.com/content/documents/shippers/tsc2007-1/20060922-1.pdf">http://www.gastransportservices.com/content/documents/shippers/tsc2007-1/20060922-1.pdf</a> .
GS (Poland)	<p>1. We've got less than 3 customers on each exit point. NRA has granted us an authorisation to limit publication of capacity on numerical basis (minus 3 rule).</p> <p>2. There are some contractual clauses which result from Act on Suppression of Unfair Competition (above) and oblige us to keep some information as confidential.</p>
SPP (Slovak Republic)	Network users (traders) have the right to request stipulations regarding protection of trade secret in the contracts, in line with the governing contractual law. However, NRA has the competence to get all data disclosed with respect to its regulatory activities and duties given by law.
ENG (Spain)	Confidential clauses refer to information on the use of the facilities (contracted capacity, periods, etc.). TPA contracts in Spain are regulated and models exist depending on the type of infrastructures. The parties are allowed to introduce additional clauses to those regulated, but TSO must offer these new clauses to all the agents.
SVK&SDG (Sweden)	General conditions in transportation contracts generally prohibit disclosure of customer related information.
BOT (Turkey)	Article 11.4 of standard transportation agreement.

Source: ERGEG Additional Transparency Monitoring 2007

### 3.2.2. Tariffs for access to networks

- Question: At a minimum, are the fixed and variable tariff elements of the tariff structure published?
- Reference: DEN-version Madrid12 para 6<sup>7</sup>.
- Analysis of responses (shown in the following figure).

**Figure 21: Tariff Structure**

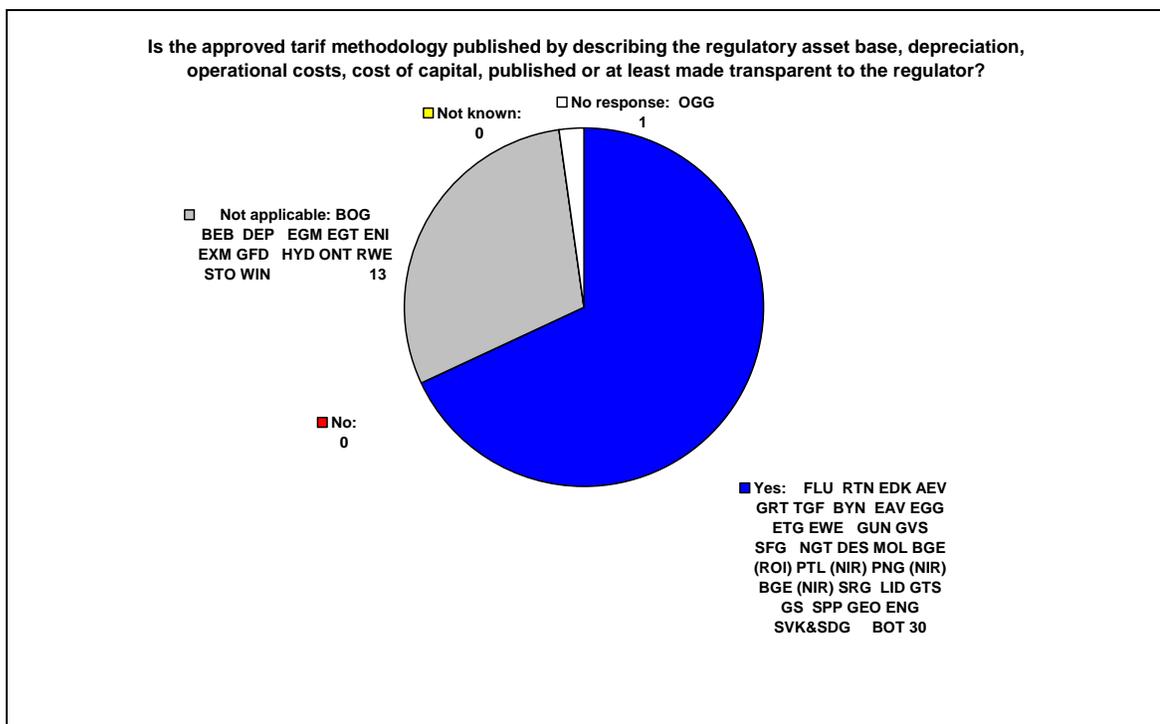


Source: ERGEG Additional Transparency Monitoring 2007

<sup>7</sup> See footnote "1" above.

- Question: Is the approved tariff methodology published by describing the regulatory asset base, depreciation, operational costs, cost of capital, or is it at least made transparent to the regulator?
- Reference: DEN-version Madrid12 para 12<sup>8</sup>.
- Analysis of responses (shown in the following figure).

**Figure 22: Tariff Methodology**



Source: ERGEG Additional Transparency Monitoring 2007

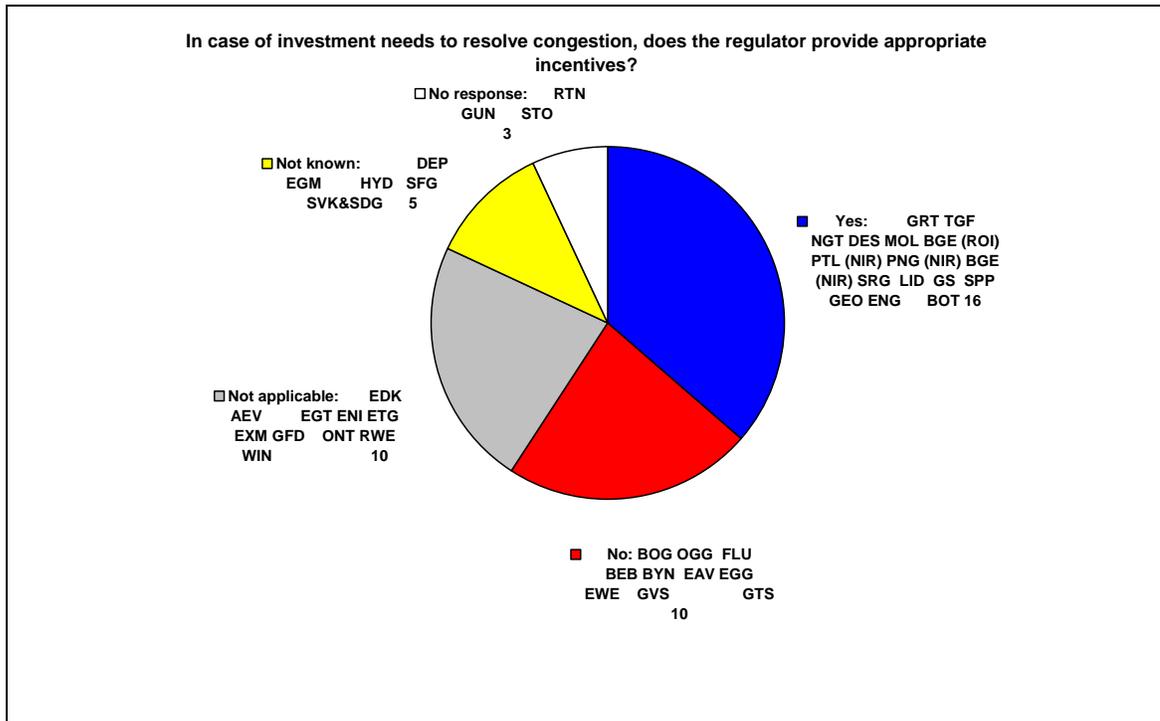
- Question: In case of investment required to resolve congestion, does the regulator provide appropriate incentives?
- Reference: DEN-version Madrid12 para 9<sup>9</sup>.

<sup>8</sup> See footnote “1” above.

<sup>9</sup> See footnote “1” above.

- Analysis of responses (shown in the following figure).

**Figure 23: Investment: Incentives<sup>10</sup>**



Source: ERGEG Additional Transparency Monitoring 2007

- Question: Which criteria are used to determine the existence of "effective pipeline to pipeline competition" by the regulator?
- Reference: DEN-version Madrid12 para 16<sup>11</sup>.
- Analysis of responses (shown in the following table).

**Table 6: Criteria: Pipe-to-pipe competition**

TSOs	Response
BOG (Austria)	Not known.

<sup>10</sup> The term "appropriate incentives" reflects the point of view of TSOs, irrespective of what type of incentives is given by regulators.

<sup>11</sup> See footnote "1" above.

OGG (Austria)	Not known.
FLU (Belgium)	For Non-domestic Transmission, there is "effective pipeline to pipeline competition", criteria applied by regulator?
RTN (Czech Republic)	Not known.
EDK (Denmark)	Not applicable (only one TSO in Denmark).
GRT (France)	Not applicable.
TGF (France)	Not applicable.
BEB (Germany)	Conditions for effective and potential competition are set out in § 3 par. 2 GasNEV.
BYN (Germany)	Not known.
DEP (Germany)	Analysis and consultation with the regulator.
EAV (Germany)	Operating costs, investment costs and capital costs.
EGG (Germany)	Not applicable.
EGM (Germany)	Not determined by regulator yet. In Discussion.
EGT (Germany)	Quantitative measurement of market concentration (HHI, RSI, CR and other).
ETG (Germany)	Not known.
EWE (Germany)	Not applicable.
EXM (Germany)	<p>Requirements are set out in § 3 para 2 of German Grid Tariff Regulation:            (2) Operators of supra-regional gas pipeline networks may, in derogation from Sections 4 to 18, structure charges for the use of grids in accordance with Section 19 if the grid is predominantly exposed to existing or potential pipeline competition. The prerequisite for determining existing or potential strong competition is at least that:</p> <ol style="list-style-type: none"> <li>1. The majority of exit points on this network are located in areas that are also accessed via supra-regional third-party gas grids or the terms and conditions of their access are commercially viable, or</li> <li>2. the bulk of the transported natural gas is delivered in areas that are also accessed via supra-regional third-party gas grids or the terms and conditions of their access are commercially viable.</li> </ol>
GFD (Germany)	Currently not known.
GUN (Germany)	The German NRA, BNetzA, is preparing criteria for assessment at this point. This process has not been finished yet and is unknown.
GVS (Germany)	The criteria are not transparent to our company.
HYD (Germany)	The regulator is presently in a process to define such criteria

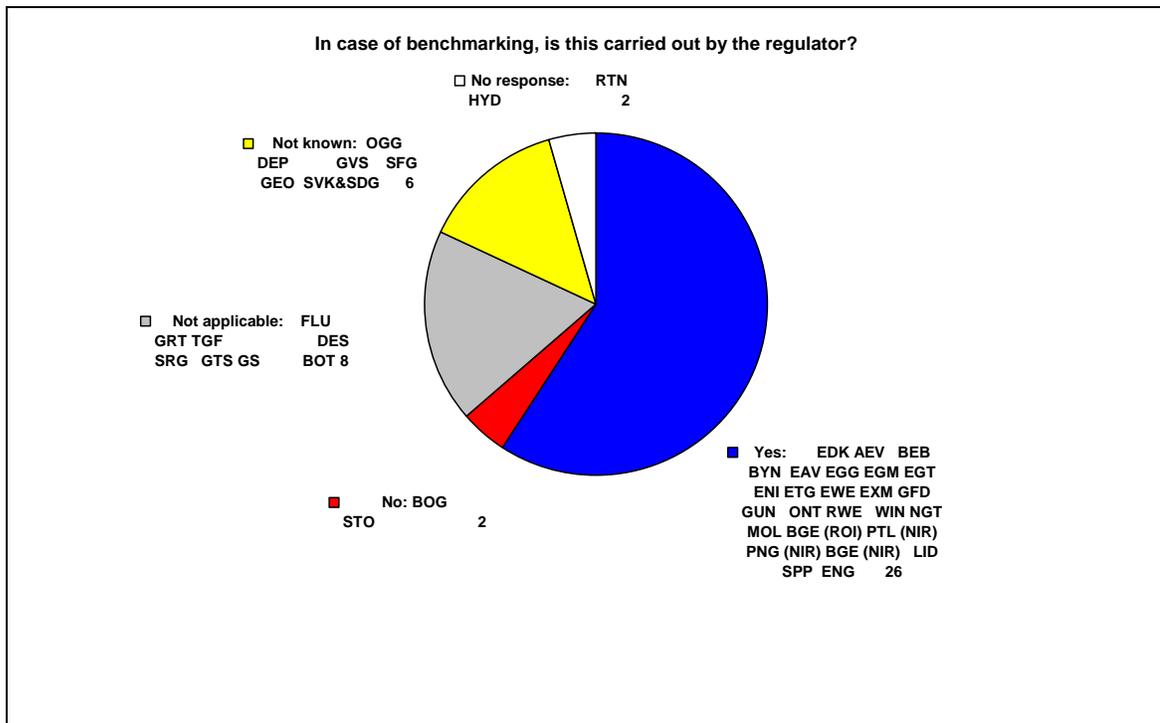
RWE (Germany)	BNetzA started a consultation process concerning the criteria in June 2006 and presented a first draft information on the criteria (see BK9-06/007).
SFG (Germany)	Not known.
STO (Germany)	No final publication by German Regulator.
WIN (Germany)	Development of criteria is in progress by the NRA.
NGT (Great Britain)	Not applicable.
DES (Greece)	No "pipeline to pipeline competition" exists for the moment.
MOL (Hungary)	Competitor pipeline should be built only approval of the Energy Office. Energy Office ask the existing transmission or distribution system operator in advance about the free capacity, whether the new capacity demand could be ensured or not on the existing system.
BGE (ROI) (Ireland (Republic of))	Not applicable.
PNG (NIR) (Ireland (Northern Ireland))	Not applicable.
BGE (NIR) (Ireland (Northern Ireland))	Not applicable.
SRG (Italy)	Not applicable.
LID (Lithuania)	Currently Lietuvos Dujos is exclusive TSO in Lithuania. Presently new law acts are created and these criteria will be provided.
GTS (Netherlands)	Not known.
GS (Poland)	Not applicable.
SPP (Slovak Republic)	Existence of alternative transmission routes, planned investments into alternative transmission routes, alternative routes under construction (Nord stream etc.)
ENG (Spain)	Infrastructures building in Spain is established in a central planning, which considers several criteria as security of supply, economic efficiency, etc.
SVK&SDG (Sweden)	Not known.
BOT (Turkey)	Not applicable.

Source: ERGEG Additional Transparency Monitoring 2007

- Question: In case of benchmarking, is this carried out by the regulator?

- Reference: DEN-version Madrid12 para 18<sup>12</sup>.
- Analysis of responses (shown in the following figure).

**Figure 24: Benchmarking**



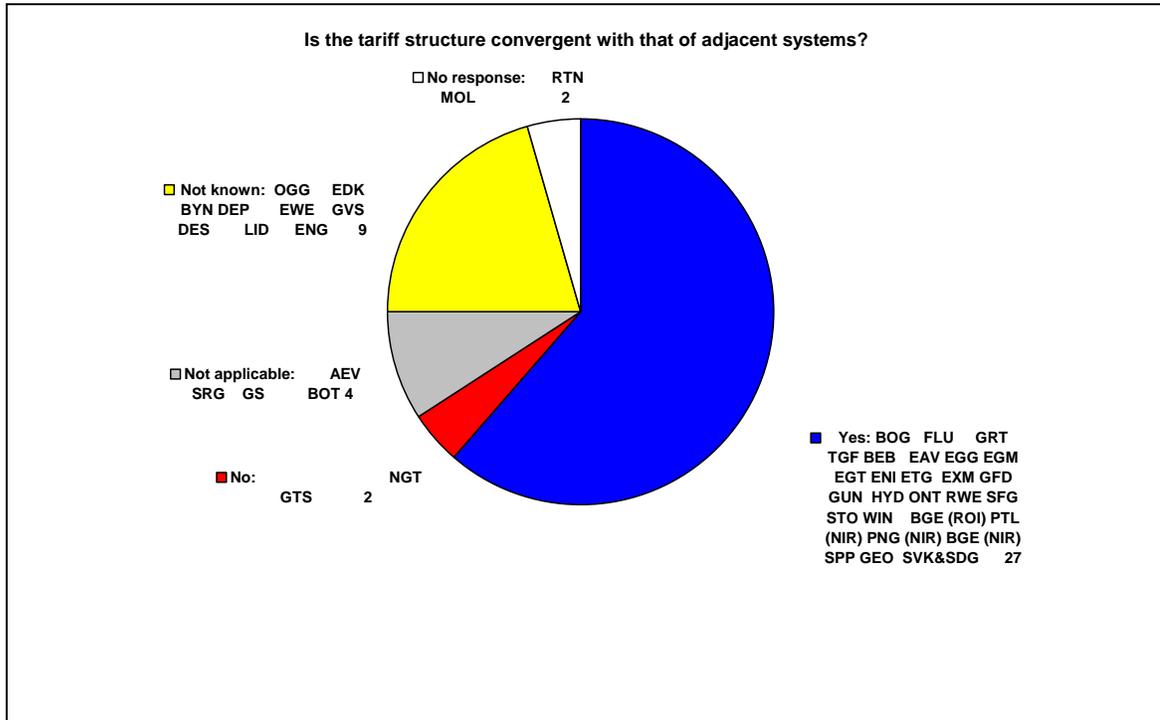
Source: EREGEG Additional Transparency Monitoring 2007

- Question: Is the tariff structure convergent with that of adjacent systems?
- Reference: DEN-version Madrid12 para 24&25<sup>13</sup>.
- Analysis of responses (shown in the following figure).

<sup>12</sup> See footnote "1" above.

<sup>13</sup> See footnote "1" above.

**Figure 25: Convergence: Tariff Structure**

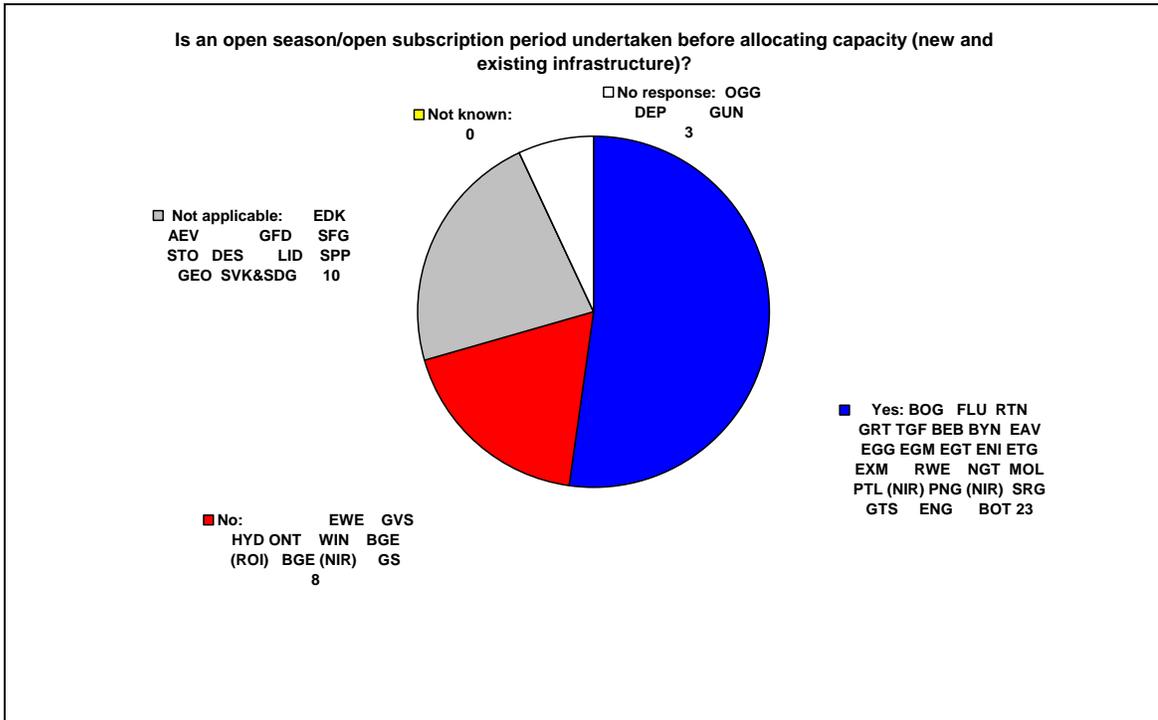


Source: ERGEG Additional Transparency Monitoring 2007

### 3.2.3. Principles of Capacity Allocation Mechanisms and congestion management procedures.

- Question: Is an open season/open subscription period undertaken before allocating capacity (new and existing infrastructure)?
- Analysis of responses (shown in the following figure).

**Figure 26: Allocation of Capacity: Open Season**



Source: ERGEG Additional Transparency Monitoring 2007

- Question: How does the TSO facilitate secondary market trading?
- Analysis of responses (shown in the following table).

**Table 7: Criteria: Pipe-to-pipe competition**

TSOs	Response
BOG (Austria)	BOG offers to use its Bulletin Board for capacity trading and applies the "UIOLI" principle.
OGG (Austria)	OGG provide a bulletin board; using contractual frameworks which facilitate secondary trading of capacities.
FLU (Belgium)	FLU use: - Bulletin board publication on website. - Secondary capacity trading platform (under development). - Participation in the European Association for the Streamlining of Energy Exchange (EASEE)-gas secondary capacity trading working group.
RTN (Czech Republic)	RTN provides an electronic bulletin board on its website and has defined standard procedures for capacity transfer and lease in its Network Code.

EDK (Denmark)	<p>EDK (Denmark) facilitate secondary trade of capacity, gas and balance services; and use a bulletin board, where potential trades can be published. The trade structure is inter-trade, where the capacity charges stays with the selling shipper, and the commodity charges is moved to the buying shipper.</p> <p>The secondary trade of gas corresponds to 30% of the national gas consumption.</p>
GRT (France)	<p>When a request for monthly capacity exceeds available capacity, GRTgaz looks for the corresponding capacity from other shippers and may organize anonymous trading in capacity.</p>
TGF (France)	<p>When a request for monthly capacity exceeds available capacity, TIGF informally looks for the corresponding capacity from other shippers and may organize trading in capacity.</p>
BEB (Germany)	<p>Trac-x: Internet platform on which transmission customers can offer or require capacity pursuant to article 31 GT&amp;Cs transmission customer has the right to assign capacity to a third party with acceptance of TSO.</p>
BYN (Germany)	<p>BYN have provision of a bulletin board for contacts between traders</p>
DEP (Germany)	<p>DEP participate in ERGEG Pilot Project Day-ahead-auctions at Ellund, Oude-Statenzjil and in the German secondary trading platform trac-x.</p>
EAV (Germany)	<p>Internet.</p>
EGG (Germany)	<p>E.ON Gas Grid publishes a bulletin board on its website where a customer may place any capacity that he wishes to offer. E.ON Gas Grid provides access to a joint platform of 2ndary market trading: www.trac-x.de. Additionally E.ON Gastransport will try to arrange secondary marketing of capacities at the customer's request. For this purpose, the customer advises E.ON Gastransport which capacities he wishes to release for secondary marketing. If a suitable marketing opportunity arises, E.ON Gastransport and the customer sign an appropriate contract on secondary marketing, setting out the modalities.</p>
EGM (Germany)	<p>Publication of a bulletin board and a so called "Handelsplattform" (trading platform) at internet.</p>
EGT (Germany)	<p>E.ON Gastransport publishes a bulletin board on its website where a customer may place any capacity that he wishes to offer. Also, E.ON Gastransport provides access to a joint platform of 2ndary market trading: www.trac-x.de. Additionally E.ON Gastransport will try to arrange secondary marketing of capacities at the customer's request. For this purpose, the customer advises E.ON Gastransport which capacities he wishes to release for secondary marketing. If a suitable marketing</p>

	opportunity arises, E.ON Gastransport and the customer sign an appropriate contract on secondary marketing, setting out the modalities.
ENI (Germany)	1. Market area (ENID + GVS) 2. From 1.1.2008 market area Süd-Deutschland (Bayernets-GVS-GDFT-ENID).
ETG (Germany)	Capacity trade is possible on a common trading platform, Trac-x.
EWE (Germany)	Internet based trac-x auctioning platform.
EXM (Germany)	ExxonMobil Gastransport Deutschland facilitates 2nd market trading of capacity of transportation customer via common online platform ("trac-x") of German TSOs.
GFD (Germany)	GDFDT is adherent to the trac-x platform where shippers can find partners to rent or sell their capacities.
GUN (Germany)	In Vorbereitung. Geplant ist ein Verweis auf eine Vermarktungsplattform.
GVS (Germany)	The TSO supports secondary market trading at the virtual trading point of the market area GVS/Eni D by publishing necessary information.
HYD (Germany)	HYD is considering the TRAC-X System.
ONT (Germany)	<a href="http://www.trac-x.com">www.trac-x.com</a> .
RWE (Germany)	Shippers can use the internet platform trac-x ( <a href="http://www.trac-x.de">www.trac-x.de</a> ) to sell or buy capacity of RWE Transportnetz Gas GmbH and many other network operators on the secondary market.
SFG (Germany)	There is a contractual provision in the "Vereinbarung über die Kooperation gemäß § 20 Abs. 1 b) EnWG zwischen den Betreibern von in Deutschland gelegenen Gasversorgungsnetzen", Annex 3, § 38 General terms and conditions for access to the network: The shipper shall be entitled to sublet capacity booked under an entry and/or exit contract without the network operator's consent. Anymore Saar Ferngas Transport GmbH provides a Bulletin Board for the trade market.
STO (Germany)	Bulletin board like mentioned in German Energy Law.
WIN (Germany)	WINGAS TRANSPORT operates a web based Bulletin Board to facilitate the trading of capacity rights on the secondary market.

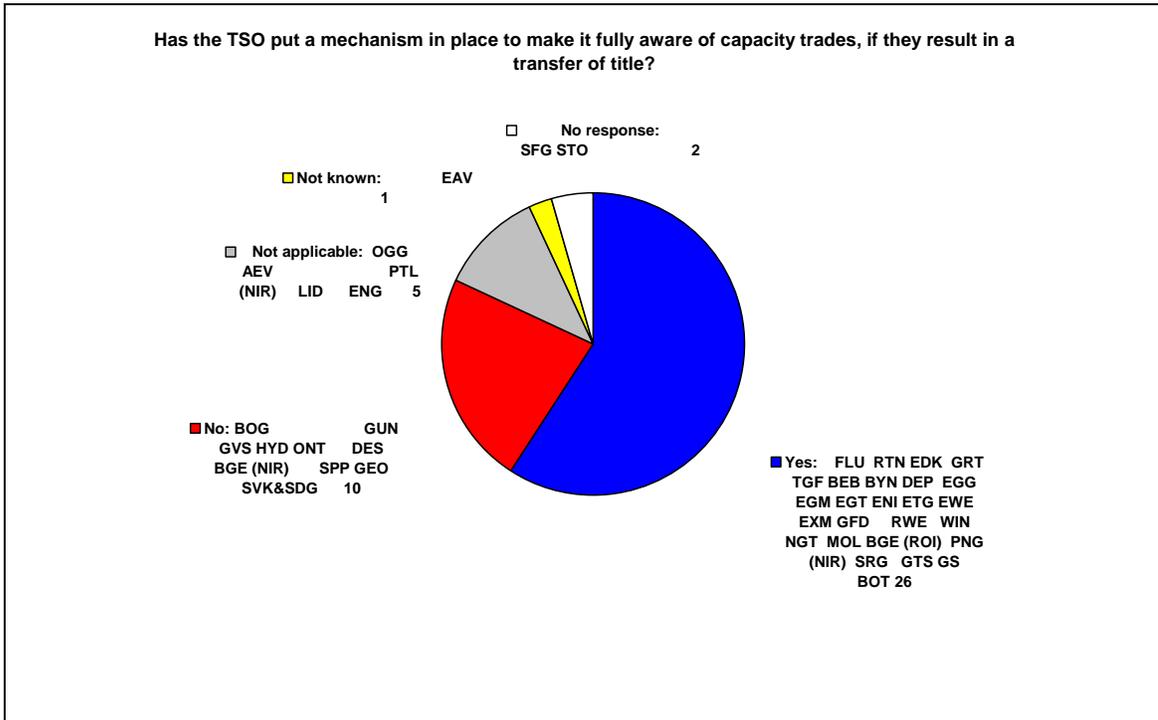
NGT (Great Britain)	The TSO maintains a web style environment (Gemini) which is a secure system over a private network and enables Users to transfer capacity for any Day or consecutive Days and for any quantity. The TSO approves such transfers (within an hour) - with prices not visible to the TSO but agreed bilaterally between the Users.
DES (Greece)	The TSO is clearly prohibited by law to obstruct or restrict in any manner the secondary trading, it may be therefore inferred that it has the duty to facilitate such commercial activity. For the time being, secondary trading may take place according to the STA. However these issues (including the TSO's involvement) will be arranged in full detail through the Network Code and will be facilitated through the electronic bulletin board, which is expected to be in place within 2007.
MOL (Hungary)	The original capacity holder send a request to TSO, that he will shift a certain amount of capacity to another trader, and this trader also request the he will take over this capacity. Then the TSO changes the capacities between the traders without cost according to the demand. The capacity fee is paid by the original capacity holder; the volume/variable fee is paid by the new holder.
BGE (ROI) (Ireland (Republic of))	Secondary trading of capacity is facilitated at all Entry / Exit points. Capacity is traded between Shippers and between Exit Points on a real time Computerised system, including within day trades.
PTL (NIR) (Ireland (Northern Ireland))	There is no secondary market trading - currently not required due to market size.
PNG (NIR) (Ireland (Northern Ireland))	No secondary market trading exists in Northern Ireland.
BGE (NIR) (Ireland (Northern Ireland))	Not currently facilitated.
SRG (Italy)	Bulletin Board; transactions on entry points possible till on day-ahead basis.
LID (Lithuania)	TSO have sufficient available capacity and there is no demand to trade in secondary market in Lithuania.
GTS (Netherlands)	GTS enables online capacity trading via its Click & Book system. Additionally, GTS has an online bulletin board where buyers and sellers of capacity can find each other. The functionality of the bulletin board will be enhanced by an email alert to interested parties when new messages are placed on the bulletin board, which will hopefully lead to increased use by market parties. Account managers (on shippers' request) also act as brokers. GTS handles a very low administrative fee for transactions of

	€ 118 to encourage trading.
GS (Poland)	Shippers can send us a message with offers. On our website ( <a href="http://en.gaz-system.pl/page?mid=127">http://en.gaz-system.pl/page?mid=127</a> ) we enable the possibility to publish shipper's offers (Bulletin Board). We provide an Application Form to facilitate the transfer of rights to capacity.
SPP (Slovak Republic)	TSO provides bulletin board system on its web page.
GEO (Slovenia)	TSO is preparing activities to be done after completion of secondary legislation regarding secondary market.
ENG (Spain)	A platform has been designed where the agents can put offers.
SVK&SDG (Sweden)	No facilitation at the moment. The need for a secondary market and possible form for it in present market model is under investigation.
BOT (Turkey)	TSO announces capacity amounts shippers intent to sell or buy via Electronic Bulletin Board. Shippers can transfer capacity among each other. Also TSO announces un-booked capacity amounts via EBB and shippers have chance to buy this capacity at any time.

Source: ERGEG Additional Transparency Monitoring 2007

- Question: Has the TSO put a mechanism in place to make it fully aware of capacity trades, if they result in a transfer of title?
- Analysis of responses (shown in the following figure).

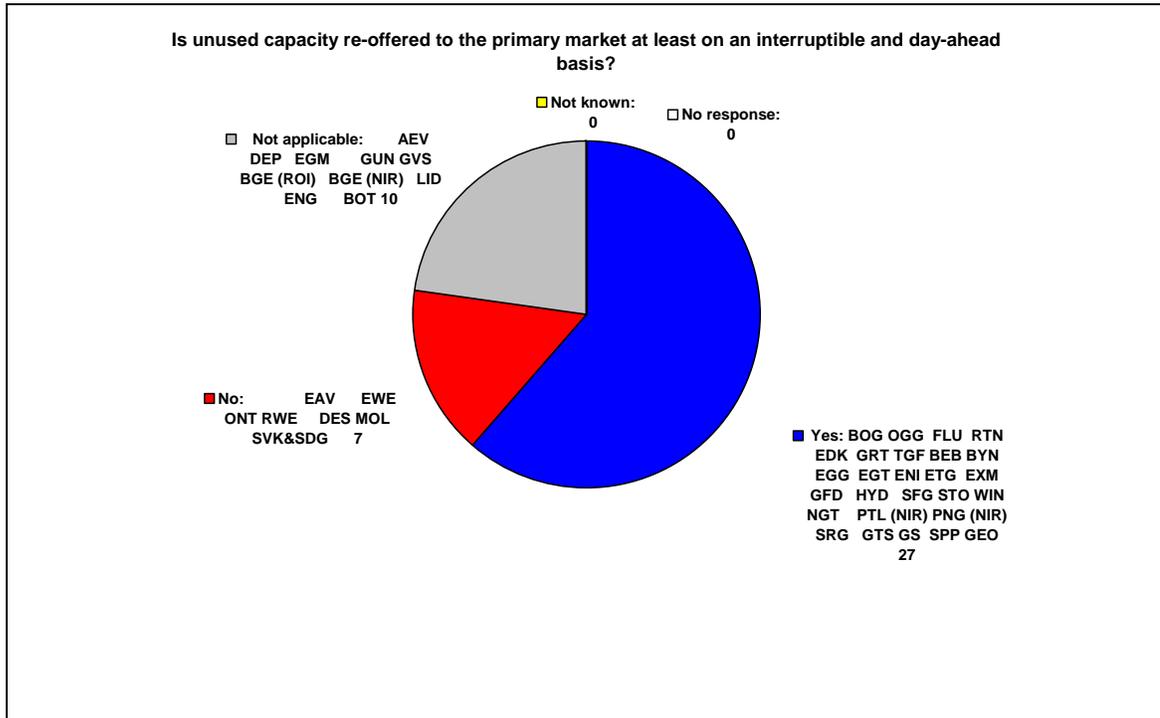
**Figure 27: Mechanism: Capacity Trades**



Source: ERGEG Additional Transparency Monitoring 2007

- Question: Is unused capacity re-offered to the primary market at least on an interruptible and day-ahead basis?
- Analysis of responses (shown in the following figure).

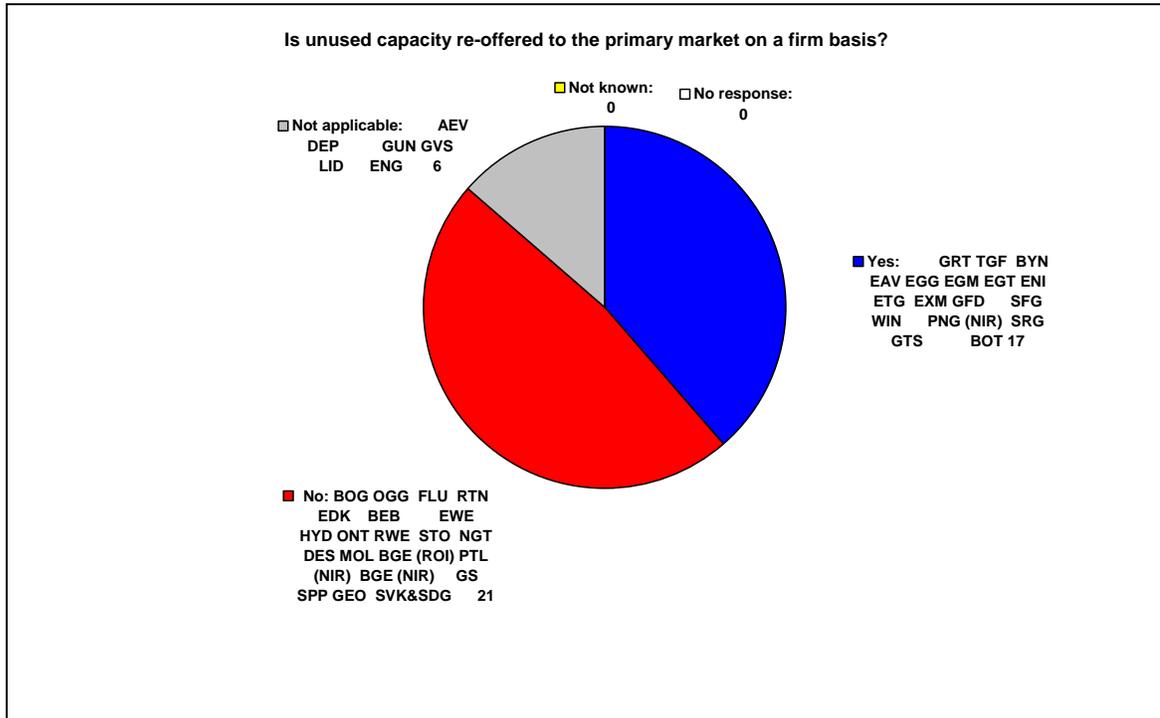
**Figure 28: Re-offering: Unused Capacity: Interruptible Basis**



Source: ERGEG Additional Transparency Monitoring 2007

- Question: Is unused capacity re-offered to the primary market on a firm basis?
- Analysis of responses (shown in the following figure).

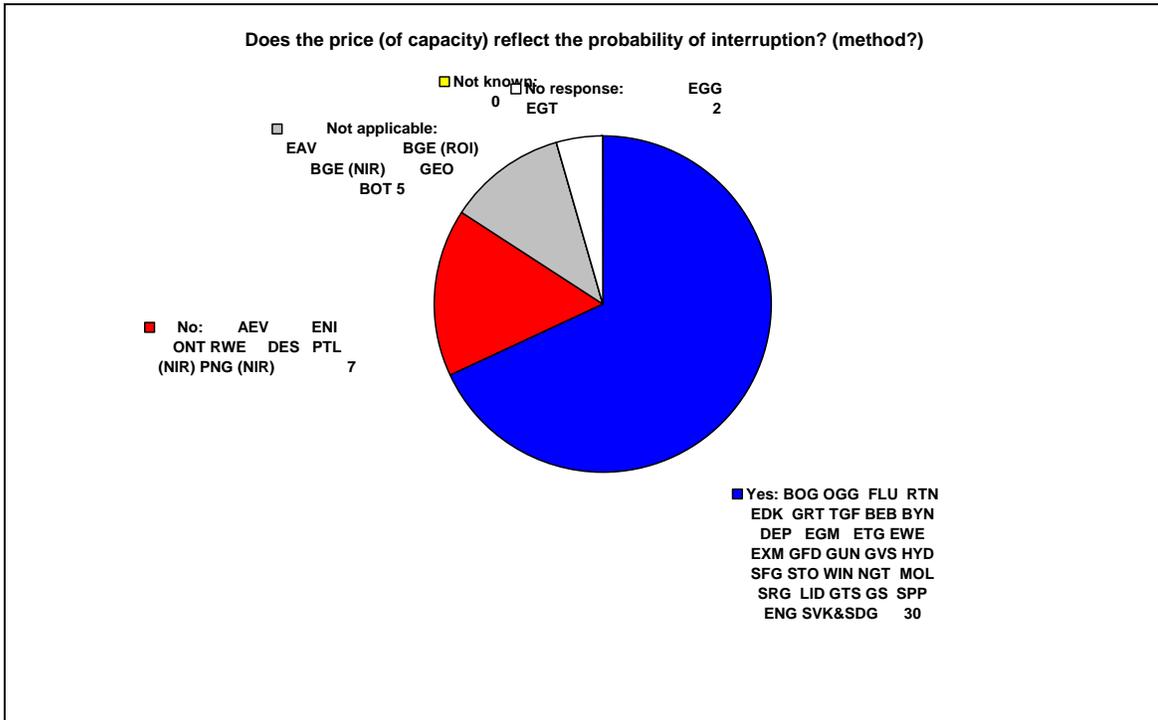
**Figure 29: Re-offering: Unused Capacity: Firm Basis**



Source: ERGEG Additional Transparency Monitoring 2007

- Question: Does the price (of capacity) reflect the probability of interruption? (Method?)
- Analysis of responses (shown in the following figure).

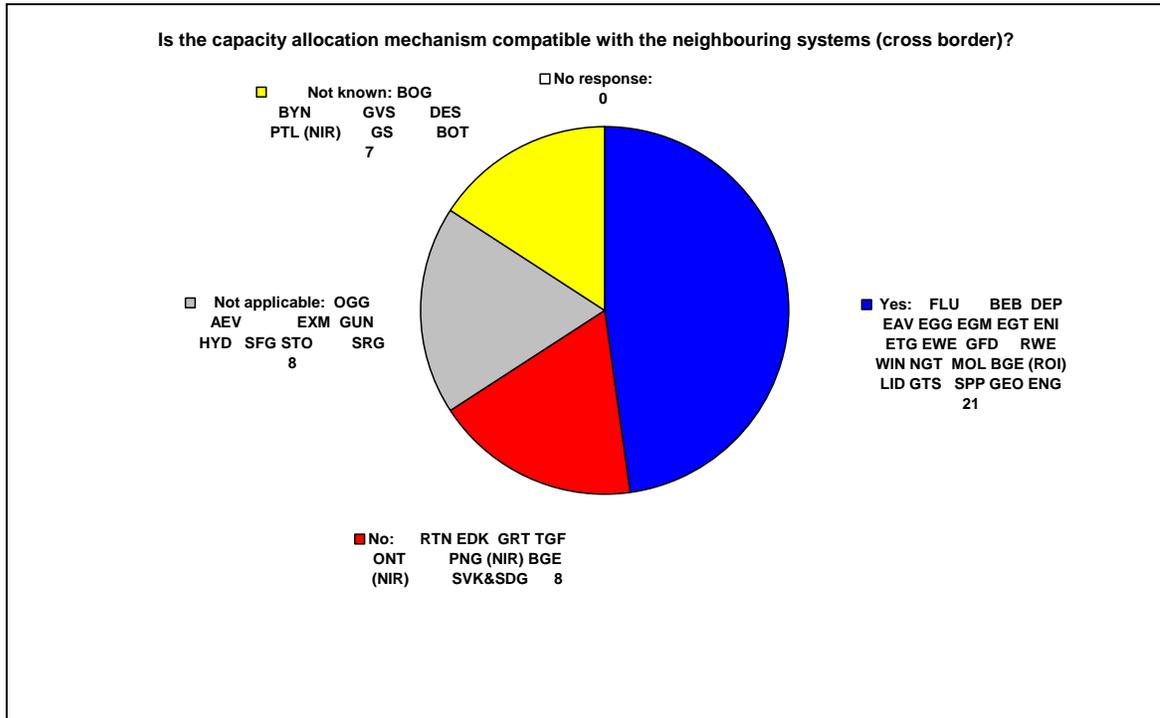
**Figure 30: Price and Probability of Interruption**



Source: ERGEG Additional Transparency Monitoring 2007

- Question: Is the CAM compatible with the neighbouring systems (cross border)?
- Analysis of responses (shown in the following figure).

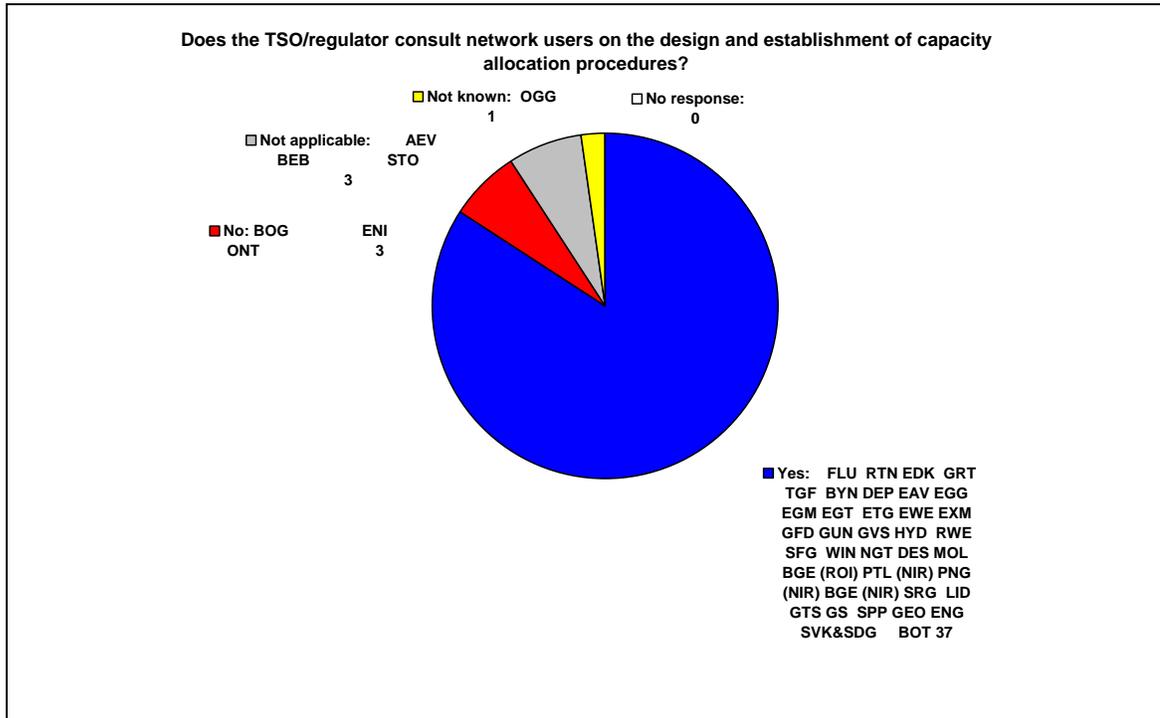
**Figure 31: Compatibility: Capacity Allocation**



Source: ERGEG Additional Transparency Monitoring 2007

- Question: Does the TSO/regulator consult network users on the design and establishment of capacity allocation procedures?
- Reference: Analysis of responses (shown in the following figure).

**Figure 32: Consultation: Network Users: Capacity Allocation Procedures**



Source: ERGEG Additional Transparency Monitoring 2007

## 4. Summary and conclusions

### 4.1. Key findings

Key conclusions from this additional monitoring exercise are as follows (punctuation, further details to follow once the responses to the qualitative questions have been analysed):

- Regarding NRAs:
  - The responsibility for imposing sanctions is either allocated to NRAs, Ministries and/or Courts.
  - The nature of sanction mechanisms varies; fines and penalties are the predominant mechanisms though.
  - Regarding their powers to impose sanctions on Art. 3 to 8 related issues of the Regulation, there is a significantly heterogeneous degree of consistency regarding the right to impose sanction regarding specific articles of Regulation 1775/2005/EC.
  - However, most strikingly, only one Member State reports having actual experience with imposing sanctions at all.
  - It is still unclear what the maximum amount of the sanction is; only Austria provided the figure of approx. EUR 14.000 per case. The questionnaire (questions submitted by the EC) did not ask for further information at this point. It is suggested that this should be subject to further examination.
  - Regarding the minus 3 shipper rule, few Member States have experiences with requests from TSOs asking for an exemption from the duty to make information publicly available. Germany is the country where the largest number of requests has been filed. Czech Republic, France, maybe Netherlands and Poland are further examples with reported experience in this area.
  - The whole area of the minus 3 shipper rule requires further analysis. ERGEG has already recommended the abolition of the minus 3 shipper rule. The

minus 3 shipper rule and adjacent issues, such as the definition of relevant points etc. will nonetheless be subject to further examination.

- Regarding TSOs:
  - 37 out of 44 TSOs surveyed make information regarding maximum committed capacity available.
  - The issue of subsystems did not seem to be applicable to many TSOs. 28 out of 44 TSOs chose 'not applicable' as their answer.
  - All TSOs publish information on gas quality.
  - The likelihood of interruptions is an issue that is dealt with in a heterogeneous manner by TSOs. Further requirements for standardisation could lead to a more homogenous treatment of this issue.
  - Most historical utilisation rates are published on a monthly basis.
  - Almost all (41 out of 44) TSOs publish their fixed and variable components of the tariff structure. Most TSOs (30) also make their methodology transparent to the NRA.
  - As far as the provision of incentives to invest by the NRA is concerned, the assessment as to whether NRAs do actually provide incentives naturally varies by TSOs. Most TSOs claim that the NRA does provide incentives, however, it needs to be stressed that the term "appropriate incentives" reflects the point of view of the TSO, irrespective of what type of incentives are given by regulators.
  - 26 out of 44 TSOs report that where benchmarking is used, it is carried out by the regulator.
  - In 27 out of 44 cases, TSOs report that the tariff structure is considered to be convergent with that of adjacent systems.
  - In 23 out of 44 cases, open season is used as a capacity determination/allocation procedure.

- In 26 out of 44 cases, mechanisms are in place to facilitate secondary market trading. Most TSOs (27 out of 44) also state that unused capacity is made available on the primary market, however, more often on an interruptible, rather than firm basis (firm basis: only 17 out of 44 TSOs). 30 out of 44 TSOs report that this is then usually also reflected in the price.
- In 21 out of 44 cases, the CAMs are compatible across neighbouring systems. In 37 out of 44 cases, the TSOs consult with network users regarding the design and establishment of capacity allocation procedures.

#### **4.2. Recommendations and outlook**

The purpose of this additional monitoring was to shed light on some issues that were only briefly touched upon in Compliance with Transparency Requirements of Gas Regulation 1775/2005/EC - An ERGEG Monitoring Report . The findings reported herein reflect, therefore, the answers received to the questions, including additional comments.

The conclusions from this monitoring work are very much in line with the ones derived in the previous report, namely:

- A general lack of compliance: The comprehensive and complete implementation of Regulation 1775/2005/EC needs to be ensured.
- Transparency requirements need to be fit-for-purpose, ensuring that relevant information is made available to market participants. Where required and sensible, additional transparency requirements need to be clearly defined.
- Decreasing quality of responses: In many cases, both NRAs and TSOs did not respond to specific questions and/or chose “not applicable” or “not available” as an answer. This needs to be re-examined and reviewed. This also covers an assessment of the answers as such to ensure that they are sensible (e.g. convergence of tariff structures etc.).

Whilst it is acknowledged that some of the questions clearly go beyond the provisions of Regulation 1775/2005/EC and are therefore not legally binding, it underlies that for the natural gas market to work, a sufficient degree of transparency is required.

NRAs and their ability to effectively enforce the implementation of Regulation 1775/2005/EC is another area where further work is required. This includes an assessment of what kind of sanction mechanisms there are and why they are effective or not. This needs to be linked to a general discussion regarding the harmonisation of sanction mechanisms as part of the 3<sup>rd</sup> package.

In terms of potential ways forward, it is suggested that more in-depth work will be needed to assess why TSOs do not comply with specific issues and/or why answers have been answered the way they have. These issues will be looked at as part of the ongoing ERGEG work, ideally as part of in depth case studies.

### Annex 1 – Questionnaire: NRAs

EREG		EREG GFG TF TRA WS
Monitoring-Questionnaire NRA TSO Contact Email Tel.		To be completed by the NRA
Part I	Sanctions	(TO BE COMPLETED BY THE NRA)
1.1	Who is the 'competent authority' in charge of penalties and sanctions in your country in line with Article 13 of Regulation 1775/2005/EC?	
1.2	Has your member state notified the rules on penalties applicable to infringements of the provisions of Regulation 1775/2005/EC to the Commission in line with Art. 13 of the regulation?	Please select from the drop down menu!
1.3	Please describe the nature of the sanction the 'competent authority' can impose.	Please select from the drop down menu!
1.4	For which provisions of the Regulation 1775 the can the 'competent authority' not impose a sanction?	
1.4.1	Article 3	Please select from the drop down menu!
1.4.2	Article 4	Please select from the drop down menu!
1.4.3	Article 5	Please select from the drop down menu!
1.4.4	Article 6	Please select from the drop down menu!
1.4.5	Article 7	Please select from the drop down menu!
1.4.6	Article 8	Please select from the drop down menu!
1.5	How often have sanctions been imposed?	
1.6	If sanctions have been imposed, please provide a brief description.	
Part II	3minus Shipper Rule	(TO BE COMPLETED BY THE NRA)
2.1	How many less than 3 approval requests for non-publication under the Gas Regulation have you received?	
2.1.1	Total number of requests	
2.1.2	Number by each TSO	

 <span style="float: right;">EREGG GFG TF TRA WS</span>	
Monitoring-Questionnaire NRA TSO Contact Email Tel.	
	<div style="border: 1px solid black; padding: 5px; display: inline-block;">             To be completed by the NRA           </div>
2.1.3	What were typical arguments put forward for the request?
2.2	How many of these requests did you approve?
2.2.1	If the authorisation was granted, was the available capacity information published without indicating the numerical data that would contravene confidentiality?
2.2.2	Please outline the justification for the decisions taken by the NRA (both where the request was approved and rejected)
2.2.2.1	If approved
2.2.2.2	If rejected
2.4	In all cases where the views of the affected shipper or shippers sought prior to a decision being taken ?
2.5	If the authorisation was granted available capacity information should be published without indicating the numerical data that would contravene confidentiality. Can you confirm that this has been the case in all instances?
2.6	Have the 'relevant points' been approved by the NRA?
	Ref. Art. 5.1 and 6.3 of Regulation 1775/2005/EC
2.7	Do the 'relevant points' comply with the criteria set in the para 3.2 of the Annex to the Reg. 1775/2005/EC?
	Ref. Para. 3.2, Annex, Regulation 1775/2005/EC

## Annex 2 – Questionnaire: TSOs

Part I		Transparency Requirements	(TO BE COMPLETED BY THE TSO VIA THE NRA)
1.1	Is information regarding maximum and committed capacity published for all relevant points including the points connecting the transmission system to storage facilities (entry/exit to storage facilities)?	Reference: DEN-version Madrid12 para 39	Please select from the drop down menu!
1.2	In transport systems built on multiple subsystems: Is the required information published per balancing zone, for all relevant entry and exit of the subsystems?	Reference: DEN-version Madrid12 para 38	Please select from the drop down menu!
1.3	Are gas quality requirements published?	Reference: DEN-version Madrid12 para 16&17	Please select from the drop down menu!
1.4	Does the published information include information on the likelihood of being interrupted based on...		
1.4.1	...actual/expected nominations?		Please select from the drop down menu!
1.4.2	...experiences gained from historical information?	Reference: DEN-version Madrid12 para 28&30	Please select from the drop down menu!
1.5	For which unit of time are historical utilisation rates published?	Reference: DEN-version Madrid12 para 33&34	Please select from the drop down menu!
1.6	If there are any legal provisions prohibiting the publication of confidential information, what are they?	Reference: Question 9.3 (original monitoring report)	
1.9	If there are any contractual provisions prohibiting the publication of confidential information, what are they?	Reference: Question 9.4 (original monitoring report)	

Part II		Tariffs for access to networks	(TO BE COMPLETED BY THE TSO VIA THE NRA)
2.1	Are at least the fixed and variable tariff elements of the tariff structure published?	Reference: DEN-version Madrid12 para 6	Please select from the drop down menu!
2.2	Is the approved tariff methodology published by describing the regulatory asset base, depreciation, operational costs, cost of capital, published or at least made transparent to the regulator?	Reference: DEN-version Madrid12 para 12	Please select from the drop down menu!
2.3	In case of investment needs to resolve congestion, does the regulator provide appropriate incentives?	Reference: DEN-version Madrid12 para 9	Please select from the drop down menu!
2.4	Which criteria are used to determine the existence of "effective pipeline to pipeline competition" by the regulator?	Reference: DEN-version Madrid12 para 16	
2.5	In case of benchmarking, is this carried out by the regulator?	Reference: DEN-version Madrid12 para 18	Please select from the drop down menu!
2.6	Is the tariff structure convergent with that of adjacent systems?	Reference: DEN-version Madrid12 para 24&25	Please select from the drop down menu!

 <span style="float: right;">EREGG GFG TF TRA WS</span>	
Monitoring-Questionnaire NRA TSO Contact Email Tel.	
<div style="border: 1px solid black; padding: 5px; display: inline-block;">                         To be completed                          by the TSO via the NRA                     </div> 	
Part III	Principles of capacity allocation mechanisms and congestion management procedures (TO BE COMPLETED BY THE TSO VIA THE NRA)
3.1	Is an open season/open subscription period undertaken before allocating capacity (new and existing infrastructure)? <span style="float: right;">Please select from the drop down menu!</span>
3.2	How does the TSO facilitate 2ndary market trading? Please provide a short description. <div style="border: 1px solid black; height: 40px; width: 100%; margin-top: 5px;"></div>
3.3	Has the TSO put a mechanism in place to make it fully aware of capacity trades, if they result in a transfer of title? <span style="float: right;">Please select from the drop down menu!</span>
3.4	Is unused capacity re-offered to the primary market at least on an interruptible and day-ahead basis? <span style="float: right;">Please select from the drop down menu!</span>
3.5	Is unused capacity re-offered to the primary market on a firm basis? <span style="float: right;">Please select from the drop down menu!</span>
3.6	Does the price (of capacity) reflect the probability of interruption? (method?) <span style="float: right;">Please select from the drop down menu!</span>
3.7	Is the capacity allocation mechanism compatible with the neighbouring systems (cross border)? <span style="float: right;">Please select from the drop down menu!</span>
3.8	Does the TSO/regulator consult network users on the design and establishment of capacity allocation procedures? <span style="float: right;">Please select from the drop down menu!</span>