



**Strategic Guidelines and Codes:
Rationale and Scope**

**Example related to Transparency
in Natural Gas**

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1 Rationale

The purpose of this paper is to explain how the Regulators' approach to the development of codes and rules will work in practice and, most importantly, how the Strategic Guidelines envisaged being agreed at an early stage in the process will be developed. The paper illustrates the difference between areas involving substantive discretion (and therefore must be dealt with through a comitology process) and those issues which include technical details and therefore could be dealt with in technical codes to be prepared by the ENTSOs and approved by the Agency.

The 3rd package should provide the opportunity to give the Agency (acting in the EU consumer's interest) the power to take binding technical decisions on defined cross-border issues within regulatory framework agreed by the Institutions. The regulators have proposed an alternative approach which the regulators believe to be consistent with Meroni, which would enable the Agency to take decisions on cross-border issues within a flexible framework set through comitology process, and at the same time ensure appropriate stakeholder/consumer involvement. In essence, regulatory policy objectives would be agreed through comitology, early on in the process, which would establish clearly the technical decisions that the Agency should make, and mandatory codes would result at the end of the process.

At the beginning of the process Strategic Guidelines (that would guide ENTSOs in their subsequent drafting) would set out the general objective, level of priority, roles and responsibilities for each code or rule and should therefore be agreed at a political level. ENTSOs would then draft the technical codes to meet the "strategic guidelines". Following the approval by the Agency, the codes and rules become binding. In the view of Regulators many of these codes must be legally binding in order to provide the degree of regulatory certainty needed to create a sound investment climate and for competition to develop. This approach would eliminate the uncertainty inherent in the Commission's proposal.

Figure 1 shows the difference between the Commission's proposal and the approach proposed by European Regulators.

It is worth reinforcing some points in our proposal:

- The Strategic Guidelines will be established through the comitology procedure so that Member States and the European Parliament will have a full and proper opportunity to determine the pace and scope of the transition to a competitive single European energy market early on and avoid detailed comitology scrutiny of highly complex, technical codes. The Agency will be able to have direct decision making powers over the detailed codes and rules given that the strategic guidelines would be established under comitology and thus the Agency is not entrusted with any discretionary powers. The role of the Agency will therefore closely parallel that proposed for national regulatory authorities. This will reinforce close collaboration at EU and national levels.
- Binding codes, which form the basis of the single European energy market, will provide regulatory certainty for investors and for competition to develop. Binding codes are needed at European level in many cases, which include those where third parties must also be bound; where national legal codes and binding rules must be made to conform with European codes and rules; where certainty is needed about the regulatory framework so that long term investments can be made; and where

standards of behaviour of market parties must be set and capable of enforcement in order for the market to operate effectively and to ensure effective competition.

- Modifications to codes – inevitable and frequent as markets develop and integration of markets deepens – will not need regular detailed comitology scrutiny. Only changes to the “strategic guidelines” would require this. There will be many codes (possibly different ones to account for regional differences) which could easily swamp the normal comitology processes. The principle of independent regulation which is essential for a sound investment climate would be compromised. There is also the question of responsibilities – changes to critical codes made in comitology may reduce the direct accountability of TSOs for the secure and efficient operation of their networks. The Regulators’ proposal will overcome those problems.

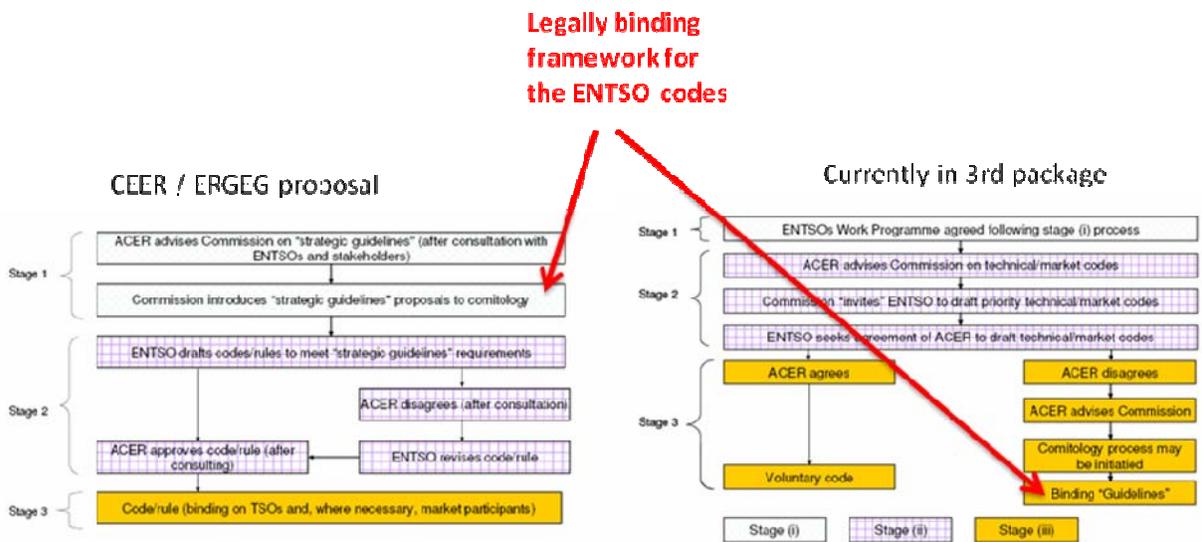


Figure 1: Existing EC proposal and novel CEER approach to Strategic Guidelines and related codes & rules.

2 Way forward to Strategic Guidelines and Codes / Rules

This paper illustrates how this alternative approach would work in practice with regard to the process for the adoption of the codes and rules and the issues that need to be addressed under the Strategic Guidelines. Furthermore, an example related to transparency for natural gas is provided to illustrate how this approach would work in practice. Existing Transparency Guidelines are already in place (1775/2005EC) and include elements which are relevant to the issues to be addressed under the Strategic Guideline as well as some elements which relate to the detailed technical codes (e.g. procedures, and methods). However, the example illustrates the issues and areas to be treated under the Strategic Guidelines under the CEER approach, and those to be incorporated in the technical codes in the Regulators’ approach.

What follows are our views on: (a) the criteria which can be used to determine which issues should be addressed in Strategic Guidelines, and which in codes (par.2.1); (b) the scope and structure of the strategic Guidelines (par. 2.2); (c) the application of these in the area of the

congestion management Guidelines (par. 2.2). Furthermore, there are related tasks which we should recognise, but which are not part of this paper.

2.1 Criteria for Strategic Guidelines and Codes / Rules

The criteria for distinguishing between issues under the Strategic Guidelines and the codes are relevant to the ambit of responsibilities and roles between of TSOs and regulators and those of the Commission and Member States. TSOs and regulators, after all, manage and regulate networks in this context and don't have the mandate to determine the shape of the European market. That mandate needs to be given in the Strategic Guidelines. The following criteria may be applied when the Strategic Guidelines and the codes / the rules are prepared:

“Classification criteria” → for determining which issues should be addressed in Strategic Guidelines, and which in codes

- (i) An issue that meets one or more of the following criteria shall be a subject of the relevant Strategic Guideline:
 - a. Identified and clear need for a **legally binding code** (as distinct from a contractually binding (non legislated) code)
 - b. Describing the **outcome of the code** or providing a **mandate** to develop a code (i.e. what needs to be achieved, but not how)
 - c. **Not subject to subsidiarity** (e.g. non-discrimination, level playing field between MS, general functioning within and between the different network areas, transparency, etc.)
 - d. Specifying **roles and responsibilities** of different stakeholders globally (what shall be done by whom at a pan-EU level)
 - e. Energy **regulation policy** related issues (e.g. an administrative definition of regions)
- (ii) An issue that meets one or more of the following criteria shall be a subject of the relevant code:
 - a. **Technical details** (irrespective of the pan European, regional or national scope)
 - b. **Operational details** (irrespective of the pan European, regional or national scope)
 - c. **Organisational or procedural details** (provided no criteria from (i) applies)
 - d. **Subject to subsidiarity** (i.e. possibly different regional or national solutions)
 - e. Subject to **frequent amendments** (either due to the nature of the issues themselves or due to the changing environment around them) provided no criteria from (i) applies

“Completeness criteria” → for checking that all the necessary aspects of a given issue are covered appropriately by the Strategic Guideline or by the code

- (iii) All **implications of a given code** are anticipated in the related SG?
- (iv) Is adequate **mandate for a given code** ensured in the related SG? (e.g. the code might relate only to one region of Europe)
- (v) Is the **underlying model** against which the code / rule is being developed clearly anticipated in the SG – what should the SG contain to provide adequate legitimacy of the model? (e.g. the model might relate to the architecture of the codes – laying above national codes, or to the principles and objectives adopted – e.g. market based etc).
- (vi) Are the **actors to be given responsibilities and obligations** adequately identified in the SG?
- (vii) Is the **level of collaboration, coordination and communication** between those given responsibilities in the code, including the proposed data exchanges adequately foreseen in the SG?
- (viii) Is the level of **monitoring and oversight** proposed adequately foreseen in the SG?
- (ix) Are the **enforcement procedures** foreseen in the SG and implemented in the code?
- (x) Is the allocation of **liabilities** proposed adequately foreseen in the SG?
- (xi) Is any **reallocation of rights or costs** adequately foreseen in the SG?
- (xii) Are all relevant **cross-issues** (e.g. between different SGs and/or codes) considered accordingly?
- (xiii) Are all the **specific technical/market details** contained in that single code, or does it make reference/use of other codes?

“Application criteria” → for general application framework of a SG or code

- (xiv) If and when is that code / that SG really **needed**? (e.g. for an ex-post check after completing a new subject)
- (xv) What are **overlaps**, with what else and how to resolve them?
- (xvi) When an **issue meets at least one selection criteria for SG and one for code**, a detailed resolution and split of the definitions between the related SG and code is necessary

2.2 Generic Structure of Strategic Guidelines

To achieve this, the Strategic Guidelines will address questions such as the extent and pace of harmonisation and/or compatible alternatives; the degree of subsidiarity or harmonisation inherent in the codes and rules; the degree of resilience (or reliability) expected in the EU's networks with the resulting costs; and the prioritisation of the different codes and rules for the ENTSO's work. Although the underlying policy objective may be (for example) to integrate

markets over a period in an evolutionary way, in practice the scope and depth of Strategic Guidelines and the codes will differ.

The generic structure of Strategic Guidelines might be as follows:

1. General provisions, objectives

Besides setting the scope for the codes, the Strategic Guidelines must also refer to any cross-issues with the other Guidelines and areas of the EU natural gas market framework.

Example in the Transparency Guidelines: Section 1: Objective

2. Roles and responsibilities

Besides the general definition of the roles and responsibilities of different stakeholders affected by the specific issues in the guidelines, this part of the guidelines must also contain any references to the legal responsibility and liability of involved parties in relation to the definition, development and implementation of the guidelines in the dedicated codes and rules under these codes.

Example in the Transparency Guidelines: Throughout the Transparency Guidelines as a whole, e.g. Section 2 “Roles and Responsibilities”

3. Specific technical/market issues covering the contents of relevant topic

Example in the Transparency Guidelines: Section 2, Roles and Responsibilities, Subsection 2.1. “Technical Information” – including both objectives and more detailed rules to be defined by TSOs

4. Monitoring

Example in the Transparency Guidelines: Section 3: “Monitoring” (Regulators’ assessment of the levels of compliance with transparency requirements, of the status of implementation of transparency requirements as the basis for conclusion as to whether further transparency requirements are needed)

2.3 Example of Transparency Guidelines

Table 1 shows the link between strategic guidelines and codes for transparency. Transparency has been used as an example to illustrate the topics to be included in Strategic Guidelines and codes/rules.

2.4 Example of the division between Strategic Guideline and Codes: Transparency

Table 1. Section 3 contains a proposal for draft strategic guidelines for transparency. Under the approach proposed by CEER, these guidelines would be drafted by the Agency with consultation of all stakeholders and would be given as advice to the European Commission for proposal to the comitology procedure.

According to Art. 6 in combination with Art. 9.1 (c) of Regulation (EC) 1775/2005, guidelines on the details on the provision of information and the definition of technical information are necessary for network users to gain effective access to the system and the definition of all relevant points for transparency requirements.

This includes the information to be published at all relevant points and the time schedule according to which this information shall be published. The following table shows the issues in relation to transparency, which shall be treated in the strategic guidelines and code respectively. In addition, clear justifications will be given in each section as to why a code is needed.

Contextualisation: A lack of transparency in the market puts new entrants at a disadvantage relative to large incumbents and prevents competition from developing. As recent supply interruptions have demonstrated, a lack of transparency can also have serious consequences on the functioning of the market, as such and whence on security of supply.

Art. 6 and Annex 3 of the current Regulation on access to natural gas transmission networks contains some useful provisions on transparency. But monitoring exercises and stakeholder feedback from the regional initiatives have shown that these provisions are not sufficient. Some of the objectives of the Regulation need to be further refined and, to fulfil these objectives, additional requirements will need to be developed. ERGEG therefore feels that Strategic Guidelines and a code on transparency are needed. The fact that transparency issues in the market have persisted, in spite continuous monitoring and recommendations by ERGEG, proves that voluntary arrangements are not a valid alternative.

Table 1: Strategic Guidelines and Codes: Transparency

Transparency Strategic Guidelines	Transparency Code
<p>→ Technical Information</p> <p>Objective:</p> <p>Comprehensive list of technical information to be published by the TSO and information updating requirements</p> <p>Justification: The customer shall have information on the technical specifications of the system of the TSO that they need to carry out their function and on all contractual and operational specifications regarding the services offered by the TSO. In particular the TSOs should provide maximum information on gas quality and pressure in the system and should respond to the requirements of shippers in this regard. Shippers should be advised immediately where deviations from specifications occur or are likely to occur.</p> <p>Transmission system operators shall publish the following information about their systems and services:</p> <ul style="list-style-type: none"> a) a detailed and comprehensive description of the different services offered and their charges; b) the different types of transportation contracts available for these services and, as applicable, the network code and/or the standard conditions outlining the rights and responsibilities of all network users including standardised transportation contracts and other relevant documents; c) the standardised procedures applied when using the transmission system, including the definition of key terms; d) provisions on capacity allocation, congestion management and anti-hoarding and re-utilisation procedures; e) the rules applicable for capacity trade on the secondary market; f) if applicable, the flexibility and tolerance levels included in transportation and other services without separate charge, as well as any flexibility offered in addition to this and the corresponding charges; 	<p>Codes / rules</p> <p>scope and details of publication of technical details (e.g. gas quality parameters)</p>

Transparency Strategic Guidelines	Transparency Code
<p>g) a detailed description of the gas system of the transmission system operator indicating all relevant points interconnecting its system with that of other transmission system operators and/or gas infrastructure such as liquefied natural gas (LNG) and infrastructure necessary for providing ancillary services as defined by Article 2(14) of Directive 2003/55/EC;</p> <p>h) information on gas quality and pressure requirements, including a full specification of gas quality parameters and justification and information regarding procedures used for off-spec gas, including any conversion costs, if applicable.</p> <p>i) the rules applicable for connection to the system operated by the transmission system operator;</p> <p>j) any information, in a timely manner, on proposed and/or actual changes to the services or conditions.</p>	
<p>→ Definition of relevant points</p> <p>Objective: clarification of what constitutes a relevant point for which information has to be published</p> <p>Justification: The definition of relevant points for which information shall be published by a TSO needs to cover all those points for which information is needed by customers in order to be able to transport gas through a system.</p> <p>(1) Information has to be published for relevant points. Relevant points are at least those major physical points where capacity can be contracted.</p> <p>(2) Transmission system operators shall clearly identify all entry and exit points to their systems ('relevant points') and implement a code structure for each of these points (upon approval of the agency/ACER) with the aim of streamlining the data exchanged between natural gas market participants.</p>	<p>Codes / rules</p> <ul style="list-style-type: none"> - Unique connection point identification encoding for each relevant point for data exchange facilitation <p>(3) Relevant points can be defined as follows</p> <ol style="list-style-type: none"> a) TSO-TSO connection points, b) LNG-TSO connection points, c) SSO-TSO connection points, d) Gas Producers-TSO connection points, e) Gas Hub-TSO connection points, f) TSO-DSO connection points.

Transparency Strategic Guidelines	Transparency Code
<p>→ Tariff information</p> <p>Objective</p> <ul style="list-style-type: none"> - transparency on tariffs and elements of tariff calculation - and information updating requirements <p>Justification: Customers shall be in a position to calculate the tariffs for the respective transportation service in advance.</p> <ol style="list-style-type: none"> (1) Tariff principles must be clearly defined in a comparable and standardised manner for all TSOs. This includes the definition of financial criteria applied in calculating tariffs. (2) The tariff methodology and resulting tariff have to be published by TSOs, as well as the actual elements of the tariff calculation. 	<p>Codes / rules</p> <ul style="list-style-type: none"> - description of tariff methodology and elements to be published
<p>→ Capacity information</p> <p>Objective</p> <ul style="list-style-type: none"> - comprehensive list of capacity information to be published by the TSO and information updating requirements <p>Justification: Customers shall be in a position to know what capacity is available for purchase or has already been sold. Customers need also to be in a position to analyse long-term capacity constraints.</p> <p>TSOs are to make publicly available the relevant capacity and flow information per relevant entry and exit point both historically and capacity forecasts for future dates</p> <ol style="list-style-type: none"> (1) The relevant capacity and flow information consists of the following data: <ol style="list-style-type: none"> a) information on system utilisation, in particular, information on actual daily flows including maximum hourly mean values (kWh/hr) per day, 	<p>Codes / rules</p> <ul style="list-style-type: none"> - scope of publication and units to be used (e.g. volume unit is m3 at a reference condition of 0°C and 1.01325 bar(a))

Transparency Strategic Guidelines	Transparency Code
<ul style="list-style-type: none"> b) information on interruptions to those flows, including the chances (likelihood) of interruptions, the reasons of interruptions. c) maximum technical capacity, for flows in both directions, contracted firm and interruptible capacity, available firm and interruptible capacity, nominated capacity <p>(2) Historic dates mean going back three years on a rolling basis, future dates mean at least 18 months ahead and, as far as available capacity is concerned, over all years where capacity is contracted up to.</p> <p>(3) The unit of time for the publication of any capacity-related information is daily, unless otherwise specified.</p> <p>(4) Transmission system operators shall publish daily updates of availability of short-term services (day-ahead and week-ahead) based, inter alia, on nominations, prevailing contractual commitments and regular long-term forecasts of available capacity on an annual basis for up to 10 years for all relevant points.</p> <p>(5) Transmission system operators shall keep effective records of all capacity contracts and all other relevant information in relation to calculating and providing access to available capacity. The responsible national authorities shall have access to these data to fulfil/exercise their duties.</p> <p>(6) If so requested by the national regulatory authority, transmission system operators shall notify the utilisation of the system capacity reserved for shippers. In their notification they shall include the granting of capacity rights and the relevant actual physical utilisation of the system capacity stated.</p>	

Transparency Strategic Guidelines	Transparency Code
<p>→ Balancing information</p> <p>Objectives</p> <ul style="list-style-type: none"> - comprehensive list of information necessary to assess the balancing risk - publication of measures taken as well as cost incurred to balance the system - comprehensive list of information on the balancing status to be provided to individual network users on a confidential basis - information updating requirements <p>Justification: Information on the availability of balancing energy and its price is crucial for customers to understand their costs/risks and to arrange for economic mitigation measures if necessary. Customers shall be able to assess the tightness of supply position and potential effects on balancing.</p> <ol style="list-style-type: none"> (1) TSOs shall make publicly available the information necessary to understand the balancing needs of the system: (2) TSOs shall make available to individual network users on a confidential basis the information needed to understand their balancing position 	<p>Codes / rules</p> <ul style="list-style-type: none"> - scope and details of publication of balancing information (e.g. calculation methodology for forecast demand, actual demand shrinkage factors and quantities) - details of a common data communication network for data exchange facilitation on balancing information <p>The information needed to understand the balancing needs of the system can be defined as follows:</p> <ol style="list-style-type: none"> d) Forecast demand e) Actual demand f) Shrinkage factors and quantities g) Pricing information including calculation method (cost of service, imbalance charges and penalties) h) Standard contract information i) Aggregate network user imbalance charges j) Planned and unplanned interruptions <p>The information needed by individual network users to understand their balancing position can be defined as follows:</p> <ol style="list-style-type: none"> a) Network user specific input and output scheduling calculations and charges b) Network user specific energy imbalance and related charges c) Network user specific Penalty charges d) Forecast demands e) Actual demands

Transparency Strategic Guidelines	Transparency Code
<p>→ User friendliness</p> <p>Objective</p> <ul style="list-style-type: none"> - areas for provision of user-friendly instruments - ensure non-discriminatory access to information - provision of information free of charge in an easily accessible manner - provision of information in both national language and English <p>Justification: Customers shall be in a position to affect transactions with one or more TSOs in a timely and efficient way with online data processing tools.</p> <p>(1) TSOs shall make their information public in a meaningful, quantifiable clear, easily accessible way, in a common electronic format including the underlying data on a non-discriminatory basis, in a timely, concise and correct manner. Further details may need to be specified in a separate code.</p> <p>(2) Transmission system operators shall provide user-friendly instruments for calculating tariffs and set up a tariff calculator as well as an online platform to check the available capacity.</p>	<p>Codes / rules</p> <ul style="list-style-type: none"> - scope and main features of user-friendly instruments - details on updating frequency of published information
<p>→ Monitoring</p> <p>Objective</p> <ul style="list-style-type: none"> - outline scope of monitoring work - ensure implementation of transparency requirements - allocate roles and responsibilities, eg w.r.t. TSOs <p>Justification: To assess levels of compliance, the status of implementation of transparency requirements and to assess whether further transparency requirements are needed, the relevant authority shall continuously monitor the implementation of these transparency requirements.</p> <p>Furthermore, TSOs should also be involved in the process of assessing and if necessary improving the level of transparency provisions</p>	<p>-</p>

Transparency Strategic Guidelines	Transparency Code
<ul style="list-style-type: none">(1) Complaints by system users or potential shippers on the information services offered have to be reported to the responsible authorities.(2) Non-discriminatory access must be guaranteed through publication on a publicly accessible web-site. All information should be easily accessible (as stated in Art. 6.1 and 6.3) e.g. via online access for all system users to the respective documents without being necessarily registered or otherwise signed on with the TSO. Further details are to be specified in a separate code, such as the EASEE-Gas code on common data communication network.(3) Information requirements from these Guidelines should be provided without charge. Additional information services offered by the TSO should be transparent and non-discriminatory.(4) All information needs to be in the national language and in English.	

3 Draft strategic guidelines for transparency

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1 Objective

- (1) These guidelines shall apply to transmission system operators as defined in Directive 2003/55 and Regulation 1775/2005/EC.
- (2) The following transparency requirements can also be served by a separate entity set up by TSOs on a regional or EU level to consolidate several TSOs areas but has to guarantee the same level of information as each individual TSO is obliged to offer according to these Guidelines.

2 Roles and responsibilities

2.1 Technical information

Justification: The customer shall have information on all technical specifications of the system of the TSO that they need to carry out their function and on all contractual and operational specifications regarding the services offered by the TSO. In particular, the TSOs should provide maximum information on gas quality and pressure in the system and should respond to the requirements of shippers in this regard. Shippers should be advised immediately when deviations from specifications occur or are likely to occur.

- (1) Transmission system operators shall publish the following information about their systems and services.
 - a) a detailed and comprehensive description of the different services offered and their charges;
 - b) the different types of transportation contracts available for these services and, as applicable, the network code and/or the standard conditions outlining the rights and responsibilities of all network users including standardised transportation contracts and other relevant documents;
 - c) the standardised procedures applied when using the transmission system, including the definition of key terms;
 - d) provisions on capacity allocation, congestion management and anti-hoarding and re-utilisation procedures;
 - e) the rules applicable for capacity trade on the secondary market;
 - f) if applicable, the flexibility and tolerance levels included in transportation and other services without separate charge, as well as any flexibility offered in addition to this and the corresponding charges;
 - g) a detailed description of the gas system of the transmission system operator indicating all relevant points interconnecting its system with that of other transmission system operators and/or gas infrastructure such as liquefied natural gas (LNG) and infrastructure necessary for providing ancillary services as defined by Article 2(14) of Directive 2003/55/EC;
 - h) information on gas quality and pressure requirements, including a full specification of gas quality parameters and justification and information regarding procedures used for off-spec gas, including any conversion costs, if applicable. Further details are to be specified in a separate code, such as the EASEE-Gas code on the harmonisation of natural gas quality.
 - i) the rules applicable for connection to the system operated by the transmission system operator;

- j) any information, in a timely manner, on proposed and/or actual changes to the services or conditions.

2.2 Definition of relevant points

Justification: The definition of relevant points for which information shall be published by a TSO needs to cover all those points for which information is needed by customers in order to be able to transport gas through a system.

- (1) Information has to be published for relevant points. Relevant points are at least those major physical points where capacity can be contracted.
- (2) The exact definition of relevant points is to be included in a corresponding code.
- (3) Transmission system operators shall clearly identify all entry and exit points to their systems ('relevant points') and implement a code structure for each of these points (upon approval of the agency/ACER) with the aim of streamlining the data exchanged between natural gas market participants. Further details are to be specified in a separate code.¹

2.3 Tariff information

Justification: Customers shall be in a position to calculate the tariffs for the respective transportation service in advance.

- (1) Tariff principles must be clearly defined in a comparable and standardised manner for all TSOs. This includes the definition of financial criteria applied in calculating tariffs.
- (2) The tariff methodology and resulting tariff have to be published by TSOs, as well as the actual elements of the tariff calculation.
- (3) Details regarding the information on tariffs to be published is to be outlined in a corresponding code.

2.4 Capacity information

Justification: Customers shall be in a position to know what capacity is available for purchase or has already been sold. Customers need also to be in a position to analyse long-term capacity constraints.

- (1) TSOs are to make publicly available the relevant capacity and flow information (both actual and forecast) per relevant entry and exit point for historic and future dates, which shall consist of the following data:
 - a) information on system utilisation, in particular, the information on actual daily flows including maximum hourly mean values (kWh/hr) per day.

¹ such as the EASEE-Gas code on connection point identifier encoding.

- b) information on interruptions to those flows, including the chances (likelihood) of interruptions and the reasons for interruptions.
 - c) Maximum technical capacity for flows in both directions, contracted firm and interruptible capacity, available firm and interruptible capacity and nominated capacity.
- (2) Historic dates shall mean information for the prior three years on a rolling basis; future dates shall mean at least 18 months ahead and, as far as available capacity is concerned, for all future years in which capacity has been contracted.
- (3) The unit of time for the publication of any capacity-related information is daily, unless otherwise specified.
- (4) Transmission system operators shall publish daily updates of availability of short-term services (day-ahead and week-ahead) based, inter alia, on nominations, prevailing contractual commitments and regular long-term forecasts of available capacity on an annual basis for up to 10 years for all relevant points.
- (5) Transmission system operators shall keep effective records of all capacity contracts and all other relevant information in relation to calculating and providing access to available capacity. The responsible national authorities shall have access to this data to fulfil/exercise their duties.
- (6) If so requested by the national regulatory authority, transmission system operators shall notify them of the utilisation of the system capacity reserved for shippers. In their notification, they shall include the granting of capacity rights and shall state the relevant actual physical utilisation of system capacity.

2.5 Balancing information

Justification: Information on the availability of balancing energy and its price is crucial for customers to understand their costs/risks and to arrange for economic mitigation measures if necessary. Customers shall be able to assess the tightness of supply position and potential effects on balancing.

- (1) TSOs shall make publicly available the information necessary to understand the balancing needs of the system.
- (2) The information required to understand the balancing needs of the system shall be defined in a corresponding code.
- (3) TSOs shall make available to individual network users, on a confidential basis, the information needed to understand their balancing position.
- (4) The information to be published for this purpose shall be defined in a corresponding code.

2.6 User-friendliness

Justification: Customers shall be in a position to affect transactions with one or more TSOs in a timely and efficient way with online data processing tools.

- (1) TSOs shall make their information public in a meaningful, quantifiable, clear, easily accessible way, in a common electronic format including the underlying data on a

non-discriminatory basis, in a timely, concise and correct manner. Further details may need to be specified in a separate code.

- (2) Transmission system operators shall provide user-friendly instruments for calculating tariffs and shall set up a tariff calculator as well as an online platform to check the available capacity.
- (3) The information to be published for the purposes of assessing user-friendliness shall be defined in a corresponding code.

3 Monitoring

Justification: To assess levels of compliance, the status of implementation of transparency requirements and to assess whether further transparency requirements are needed, the relevant authority shall continuously monitor the implementation of these transparency requirements. Furthermore, TSOs should also be involved in the process of assessing and if necessary improving the level of transparency provisions

- (1) Complaints by system users or potential shippers on the information services offered have to be reported to the responsible authorities.
- (2) Non-discriminatory access must be guaranteed through publication on a publicly accessible web-site. All information should be easily accessible (as stated in Art. 6.1 and 6.3) e.g. via online access for all system users to the respective documents without being necessarily registered or otherwise signed on with the TSO. Further details are to be specified in a separate code, such as the EASEE-Gas code on common data communication network.
- (3) Information requirements from these Guidelines should be provided without charge. Additional information services offered by the TSO should be transparent and non-discriminatory.
- (4) All information needs to be in the national language and in English.