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## Open letter on establishment of an ad hoc expert group

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Dear Sir, Madam

**Object:** establishment of an ad hoc expert group (hereafter “Expert group”) on gas capacity allocation.

The European Energy Regulators have decided to set up an informal “ad hoc” group of experts on gas capacity allocation. The goal of this group will be to provide expert support to the European Energy Regulators during the development of Input for Framework Guidelines on gas capacity allocation.

The Third Package of European energy legislation envisages the development of European network codes. The European TSO organisations (ENTSO-G and ENTSO-E) will be responsible for drafting cross-border network codes based on the principles and objectives set out in the Framework Guidelines to be prepared by the European Agency for the Cooperation of Energy Regulators (ACER) in consultation with network users.

The European Energy Regulators have announced their intention to prepare input on Framework Guidelines in some priority areas during the interim period in which ACER will be established. In that regard, the European Energy Regulators have developed a process to be applied to the preparation of these inputs which foresees - where necessary - the set up of ad hoc expert groups.

Furthermore, as announced by the European Energy Regulators at the Madrid Forum, gas capacity allocation has been identified as a suitable topic for a “pilot” project for the Framework Guidelines. GTE+ has already proposed to develop a pilot network code on the same topic.

The terms of reference for the expert group on gas capacity allocation with specific criteria for the experts are provided in Annex 1.

At this stage, only experts responding to the criteria identified in the Annex 1 are invited to apply. The application should set out briefly:

- List of relevant qualifications, including education and number of years of experience in the area of gas capacity allocation, and in which countries or markets these have been gained;
- Current involvement in the electricity/gas industry and the company or organisations (including EU stakeholder organisations) he or she is a member of;
- List of relevant publications;
- Contact details.

Please apply by 29 September, i.e. two weeks after publication of this “Open Letter” on European Energy Regulators’ website. Applications which will be received after this deadline will not be considered.

Following the reception of the applications, a list of the members of the expert group will be drawn according to a selection procedure conducted by the European Energy Regulators. According to the “Rules of Procedure for the establishment of ad hoc expert groups” (see Annex 2 of this letter), the expert group shall aim to have a broad range of relevant expertise according to Annex 1 and guarantee a good geographical diversity.

Should you have any questions about this or the work of the European Energy Regulators in this area, please do not hesitate to contact:

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A handwritten signature in black ink, appearing to be 'Fay Geitona', written in a cursive style.

Fay Geitona

## **Annex 1**

### **Terms of reference for the ad hoc expert group on capacity allocation at gas interconnection points**

#### **Deliverable**

The expert group should deliver expert advice on the specific questions requested by the European Energy Regulators. The form of the advice to be submitted by the expert group to the European Energy Regulators will be agreed by the Chair of the expert group.

#### **Schedule**

At least two half-day meetings of the ad hoc expert group on capacity allocation are expected to be held. A first meeting is scheduled to take place on 28 October 2009. A second meeting will be held on 11 January 2010. Both meetings will take place in Brussels in the CEER premises (other arrangement can be convened by the Chair of the expert group). The experts will be informed about the final dates at the latest in mid October 2009. In case further meetings are necessary, the experts will be informed in due time by the Chair.

#### **Qualification**

The experts e.g. academia, consultants or network operators should have at least relevant experience in the following areas:

- Capacity allocation mechanisms;
- TSO cooperation in capacity allocation;
- Joint/coordinated offering by TSOs of capacity on interconnection points of borders and/or systems;
- Harmonisation of transportation contracts and communication procedures;
- Capacity products and bundling of capacity products;
- Process of contracting capacity (booking procedure);
- Booking platforms.

## Annex 2

### **European Energy Regulators' Rules of Procedure for ad hoc expert groups (hereafter "expert groups")**

#### **Article 1 – Purpose**

The role of the expert group is to provide, on an ad hoc basis, expert support to the European Energy Regulators in the development of regulatory policies. The status of the input provided by the expert group is that of an **advice** to the European Energy Regulators. **Regulatory policies are those of the European Energy Regulators alone.**

An expert group may be set up, for example, in the context of the development of an input to a Framework Guideline by the European Energy Regulators.

#### **Article 2 – Application procedure**

An Open Letter for the establishment of an ad hoc expert group will be published on the European Energy Regulators' website.

Persons interested in becoming members will be invited to contact the CEER Secretariat within the deadline specified in the Open letter (generally two weeks after the Open letter has been published). To be valid, the application of the expert must contain the following information:

- List of relevant qualifications, including education and number of years of experience in the area concerned specifying in which countries or markets these have been gained;
- Current involvement in the electricity/gas industry and the company or organisations (including EU stakeholder organisations) he or she is a member of (indicate current and past participation/contribution in task forces or working groups of associations by indicating the subject dealt with);
- List of relevant publications;
- Contact details.

Applications will be assessed by a selection committee established by the European Energy Regulators on the basis of the information submitted by candidates.

Selected candidates will be contacted individually by the CEER Secretariat to confirm their appointment as members of an expert group. This communication will take place within four weeks after the Open Letter for the establishment of an expert group has been made public on the European Energy Regulators' website.

#### **Article 3 – Membership**

Each expert group is composed of members appointed by the European Energy Regulators.

The expert group shall aim at having a broad range of relevant expertise and geographical diversity among its members. Specific criteria (depending on the relevant area of expertise) may be defined for the appointment of the experts.

Network users and network operators will be among those eligible to nominate a qualified expert.

Members are appointed **ad personam** and primarily for their competences and shall therefore not have alternates.

The number of experts in an expert group will not exceed 10.

#### **Article 4 – Chair**

Meetings shall be chaired by a representative of the European Energy Regulator.

#### **Article 5 – Responsibilities of the Chair**

The Chair is responsible for the efficient conduct of the business of the ad hoc expert group and shall in particular:

- Plan the work of the expert group by defining their tasks;
- Draw the agenda for the meeting of the expert group (assistance of the CEER Secretariat) and take the minutes;
- Chair the meetings of the expert group;
- Monitor the application of these Rules of Procedure;
- Present the work of the expert group to the European Energy Regulators on a regular basis;
- Present the work of the expert group externally (particularly to the electricity and gas fora).

#### **Article 6 – Independence of the experts**

Members shall make a declaration of commitment in their application to fulfil their duties and a declaration of interests which could be considered to be prejudicial to their independence.

#### **Article 7 – Confidentiality of information**

Experts shall not disclose to any persons, or company, particularly the one they might be linked to, any information acquired as a result of their work in the expert group.

They shall make a written declaration of confidentiality ensuring the respect of this obligation.

The obligation to maintain confidentiality shall continue to apply even after participation of members in the expert group has ceased.

#### **Article 8 – Transparency**

The list of members of the expert group shall be made public.

The expert group shall operate in accordance with the need for a high level of transparency.

The following documents of the expert group shall be published on the European Energy Regulators' website, subject to the respect of confidentiality requirements:

- Open letter for the establishment of an ad hoc expert group;
- Rules of Procedure for ad hoc expert groups;
- Minutes in a summary form.

#### **Article 9 - Invitations to meetings**

Any meeting of an expert group shall be convened at the invitation of the expert group Chair.

The date of the first meeting will be announced in the open letter for the establishment of the ad hoc expert group.

Invitations shall be issued not later than 21 calendar days before the meeting.

#### **Article 10 - Agenda**

A draft agenda shall be drawn up by the Chair and circulated to the members of the ad hoc expert group no later than 10 calendar days before the meeting. The agenda shall be adopted at the beginning of each meeting.

#### **Article 11 – Documentation**

Documents that are necessary for the meetings shall be normally circulated to the members of the ad hoc expert group at least 10 calendar days before the meeting.

#### **Article 12 – Minutes**

It is the responsibility of the Chair, with the assistance of the CEER Secretariat (see article 5), to take the minutes of the meeting of the expert group. The minutes shall include a summary record of the proceedings and action points.

Views, whether expressed orally or in writing by members in the context of an expert group shall not be ascribed to a particular individual.

#### **Article 13 – Reimbursement**

Experts should bear their own costs.

#### **Article 14 – General provisions**

Amendments to these Rules of Procedure shall be approved by the European Energy Regulators.