

ERGEG Gas Focus Group/Storage TF

Guidelines for Good Practice for Gas Storage System Operators (GGPSSO)

Questionnaire for National Regulatory Authorities

Introduction

The objective of this questionnaire is to collect information from national regulatory authorities (NRAs) to assist in monitoring the implementation of the GGPSSO as requested by the European Commission.

The questionnaire for NRAs will be particularly helpful in:

- understanding if certain requirements of the GGPSSO, where the relevant national regulatory authority (RNRA) is involved are implemented;
- complementing the information received from SSO thanks to the SSO questionnaire;
- identifying areas where implementation of the GGPSSO is lagging behind because of inadequate institutional arrangements;
- putting forward proposals to review some requirements of the GGPSSO, if and where there is room for improvement.

The objective of this questionnaire is NOT to duplicate the information collected from SSOs, as national regulatory authorities are also asked to review the answers for their questionnaire (questionnaire for SSOs).

Where no answer can be provided for a particular question, you are asked to indicate the reason (e.g. NRA or RNRA not competent according to national legislation).

The deadline for completion of the questionnaire is **30 May 2005**.

ERGEG intends to publish an initial report on the implementation of the GGPSSO in September 2005 and it expects to present these findings at the next Madrid Forum. The views of storage users will be particularly important in assessing implementation

– therefore ERGEG intends to issue a final report on implementation after it has an opportunity to consider responses to its initial report.

To help ensure transparency, responses –as well as other documents associated with monitoring the GGPSSO- will normally be published on the ERGEG website.

Given that ERGEG's initial report will be published in September, we request that NRAs provide an addendum to their original submission if there are significant changes to the information that they provide, between 30 May and the beginning of September (1 September). This will ensure that the report is as up to date as possible.

Any question on this questionnaire should be directed in the first instance to:

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Questionnaire

1 General

1.1 Name of National Regulatory Authority: The Energy Regulatory Office

1.2 General notes: The Polish Oil and Gas Company (POGC) is a storage operator in Poland. To this time the storage activities was practiced only for internal use of POGC, not for external users. Also according to the Energy Law the POGC was not obliged to introduce the TPA rules for storage activities, so there is not regulatory experiences on this field. On May 2005 the new version of the Energy Law came into force, so the questionnaire shows more the legal status of storage activities. Currently the Regulator has decided to accelerate the necessary steps to introduce the TPA rules for storage based on licensing procedures.

1.3 Is TPA to storage implemented in your country and how:

(a) national legislation passed before the Directive 2003/55/EC	<input type="checkbox"/>
(b) article 19 of the Gas directive transposed into national law	<input checked="" type="checkbox"/>
(c) TPA implemented by SSOs, in the absence of a national legal framework	<input type="checkbox"/>
(d) no TPA	<input type="checkbox"/>

1.4 Does your National Regulatory Authority (NRA) regulate:

(a) tariffs for TPA to storage	<input checked="" type="checkbox"/>
(b) terms and conditions for TPA to storage	<input checked="" type="checkbox"/>
(c) other (please provide comments below)	<input type="checkbox"/>
notes: The Energy Law describing minimum requirements for terms and conditions for TPA to storage	

1.5 Please provide a list of any other Relevant National Regulatory Authorities (RNRA) involved in regulation of TPA to storage (e.g. Ministry)

answer: also the Ministry of Economy - not directly but based on specific ordinances
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1.6 Please specify who is the authority legally competent for dispute settlement with respect to the issues mentioned in article 19 of the gas Directive:

(a) your regulatory authority	<input checked="" type="checkbox"/>
(b) another RNRA (please specify below)	<input type="checkbox"/>
notes:	
(c) NRA or RNRA not competent according to national legislation	<input type="checkbox"/>

2 Scope and objective of the GGPSSO

2.1 Are you aware of any conflicts between the requirements of the GGPSSO and national legislation (GGPSSO Scope and Objective)?

answer:	<input checked="" type="checkbox"/>
notes: No, the Energy Law meets requirements of the EU Directives and the sens of GGPSSO	

2.2 If the answer is “yes”, please provide details on (GGPSSO Scope and Objective):

(a) the exact nature and extent of the conflict	
(b) whether you have been notified	
(c) whether another RNRA has been notified (please specify which)	
(d) if notification has been made public	

2.3 Did you require the SSO(s) to demonstrate that it (they) meet(s) the requirements of the GGPSSO (GGPSSO Scope and Objective)?

answer:	<input checked="" type="checkbox"/>
notes: Yes, its required by specific provisions included in the Energy Law	

2.4 If “no”, is it because:

(a) it has already been required by another RNRA (<i>please specify below</i>)	<input type="checkbox"/>
notes:	
(b) your NRA is not competent to require that, according to national legislation	<input type="checkbox"/>
(c) other (<i>please specify below</i>)	<input type="checkbox"/>
notes:	

3 Roles and responsibilities of Storage System Operators

3.1 If a SSO in your country is part of a vertically integrated company:

(a) did you require that the SSO(s) make available a document setting out all the terms and conditions relating to storage use by the affiliate company (GGPSSO 1.3):	<input checked="" type="checkbox"/>
notes: yes	

3.2 If “no”, is it because:

(a) it has already been required by another RNRA (<i>please specify below</i>)	<input type="checkbox"/>
notes:	
(b) your NRA is not competent to require that, according to national legislation	<input type="checkbox"/>
(c) other (<i>please specify below</i>)	<input type="checkbox"/>
notes:	

3.3 Are standard storage contracts or the storage code approved or monitored by (GGPSSO 1.2.b):

(a) your regulatory authority	<input type="checkbox"/>
(b) another RNRA (<i>please specify below</i>)	<input type="checkbox"/>
notes:	

(c) no approval or monitoring (i.e. NRA or RNRA not competent according to national legislation)	<input checked="" type="checkbox"/>
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4 Necessary TPA services

4.1 Is any exclusion of storage capacity from TPA approved or monitored by (GGPSSO 3.1):

(a) your regulatory authority	<input checked="" type="checkbox"/>
(b) another RNRA (<i>please specify below</i>)	<input type="checkbox"/>
notes:	
(c) no approval or monitoring (i.e. NRA or RNRA not competent according to national legislation)	<input type="checkbox"/>

4.2 Are the rules for excluding some storage capacity from TPA – and substantiated reasons – public (GGPSSO 3.1)?

answer:	<input checked="" type="checkbox"/>
notes: Yes	

4.3 Please indicate if, according to national legislation, Public Service Obligations (PSO) in your country are placed on (relating to GGPSSO 3.2):

(a) the SSO	<input type="checkbox"/>
(b) the shippers	<input checked="" type="checkbox"/>
(c) no party responsible for PSO according to national legislation	<input type="checkbox"/>
(d) other (<i>please specify below</i>)	<input type="checkbox"/>
notes: the shippers as a last resort suppliers who delivers universal services to end users	

4.4 Did you require that, if a party is responsible for PSOs, it shall demonstrate that their requested capacity reservation is no more than what is required to satisfy the relevant PSOs (GGPSSO 3.2)?

answer:	<input type="checkbox"/>
notes: There is no experience on this field. Currently this problem is regulated by art. 4c, 4h and 8 of the Energy Law	

4.5 If “no”, is it because:

(a) it has already been required by another RNRA (<i>please specify below</i>)	<input type="checkbox"/>
notes:	
(b) your NRA is not competent to require that, according to national legislation	<input type="checkbox"/>
(c) no party responsible for PSO according to national legislation	<input type="checkbox"/>
(d) other (<i>please specify below</i>)	<input type="checkbox"/>
notes:	

4.6 Where some services have not been introduced, because of substantial IT development, was the decision monitored by:

(a) your regulatory authority	<input type="checkbox"/>
(b) another RNRA (<i>please specify below</i>)	<input type="checkbox"/>
notes:	

(c) not monitored (i.e. up to the SSO) (i.e. NRA or RNRA not competent according to national legislation)	<input checked="" type="checkbox"/>
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5 Storage capacity allocation and congestion management

5.1 Storage capacity allocation is regulated by:

(a) your regulatory authority	<input type="checkbox"/>
(b) another RNRA (<i>please specify below</i>)	<input type="checkbox"/>
notes:	
(c) not regulated	<input checked="" type="checkbox"/>

5.2 Storage capacity allocation is monitored by:

(a) your regulatory authority	<input type="checkbox"/>
(b) another RNRA (<i>please specify below</i>)	<input type="checkbox"/>
notes:	
(c) not monitored (i.e. NRA or RNRA not competent according to national legislation)	<input checked="" type="checkbox"/>

5.3 Is your national regulatory authority – or another RNRA (*please specify below*) – involved in designing, applying or monitoring congestion management mechanisms

answer:	<input checked="" type="checkbox"/>
notes: Yes, the Regulator is involved in designing and monitoring congestion management mechanism	

6 Confidentiality requirements

6.1 Are confidentiality requirements of the GGPSSO (i.e. confidentiality of commercially sensitive information from storage users' accounts, no information available to the SSO concerning its storage business shall be passed to other parts of any of the company in advance of being provided to all market participants) monitored by:

(a) your regulatory authority	<input checked="" type="checkbox"/>
(b) another RNRA (<i>please specify below</i>)	<input type="checkbox"/>
notes:	
(c) not monitored (i.e. NRA or RNRA not competent according to national legislation)	<input type="checkbox"/>

7 Transparency requirements

7.1 When some information is not published (aggregate use of storage, because some users fear it would harm their commercial interest), interested parties may require that the decision not to publish is reviewed by (GGPSSO 6.2):

(a) your regulatory authority	<input checked="" type="checkbox"/>
(b) another RNRA (<i>please specify below</i>)	<input type="checkbox"/>
notes:	

(c) no specific legal framework for such requests	<input type="checkbox"/>
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7.2 Where the SSO has not published specific data (e.g. for reasons of cost, to avoid any potential market abuse or to avoid any significant harm to their commercial interest), did the SSO notify (GGPSSO 6.3)

(a) your regulatory authority	<input type="checkbox"/>
(b) another RNRA (<i>please specify below</i>)	<input type="checkbox"/>
notes:	
(c) no notification	<input checked="" type="checkbox"/>

8 Tariff structure and derivation

8.1 Where regulated, tariffs for access to storage facilities, both in the case of direct access to a specific storage site and access to a group of storage sites are:

(a) set or approved by your regulatory authority	<input checked="" type="checkbox"/>
(b) set or approved by another RNRA (<i>please specify below</i>)	<input type="checkbox"/>
notes:we can presume that it will be indicated into new ordinance	