

GLE comments to the ERGEG Public Consultation on Existing transparency requirements for gas natural (ref: E10-GWG-68-03, 8 September 2010)

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GLE welcomes the opportunity to take part in ERGEG's Public Consultation on the "existing transparency requirements for natural gas", regarding the evaluation of possible markets need for additional transparency requirements.

As this Public Consultation concerns the operators among other interested parties, and although the questions within the consultation document seem to be primarily aimed at users, GLE, representing European LNG terminal operators, would like to make the following comments.

First of all, GLE would like to recall that the 3rd Energy Package provides for additional transparency provisions, whose implementation is not yet finished. It might be expected that such a consultation takes place after the set up of the new regulatory framework, preferably after a reasonable period to gain experience, but in no way in the process of its implementation. Indeed, GLE thinks that the implementation of the requirements that will enter into force under the 3rd Package should be firstly monitored in order to determine whether there is a real need for further improvement, before evaluating market needs for additional provisions.

This consultation cannot reflect the true market situation as it will be shaped by the 3rd Energy Package. Therefore before drawing any conclusion, the analysis of the received responses to the Public Consultation should take into account this situation in a transparent and substantiated way.

- *Do the existing legally binding and soon-to-be legally binding transparency requirements for transmission, LNG and storage satisfy your needs as a market participant? In case your answer is no, please specify what is missing in your view and why.*

Please see GLE's general comment here-above.

Moreover, when evaluating the markets needs for additional transparency requirements, GLE considers that the relevance and the availability of the data, as well as the cost of implementing and maintaining IT systems (e.g. cost against benefits) should be taken into reasonable consideration.

- *Are you satisfied with the current level of transparency provided for by system operators? In case your answer is no, please specify whether this is the case due to the lack of transparency requirements or the quality of publication.*

According to the surveys carried out by GLE members, the vast majority of users or potential users of LNG terminals seem satisfied by the current level of transparency provided by LSOs.

Moreover, this result is confirmed by the conclusions of the monitoring carried out by ERGEG in 2009 (see comment just here-below).

- *Do the existing voluntary GGP for LNG System Operators and GGP for Third Party Access for Storage System Operators satisfy your needs as a market participant?*

GLE would like to recall that ERGEG's monitoring carried out in 2009 concerning the implementation of the GGPLNG concluded regarding GGPLNG provisions on transparency that "**users' responses indicate a global recognition of an adequate transparency level**" (cf. Monitoring the implementation of the ERGEG Guidelines of Good TPA Practice for Liquefied Natural Gas System Operators, ref: E09-LNG-07-03, dated 3 June 2009).

- *Do you think that those transparency requirements in the GGP LNG and GGP SSO which are not covered by the 3rd Package should become legally binding?*

GLE thinks that the implementation of the requirements that will enter into force under the 3rd Package should be firstly monitored in order to determine whether there is a real need for further improvement, before proposing additional legally binding provisions (see general comment here-above).

In addition GLE is of the opinion that the voluntary work of European LSOs in the area of transparency should be given due recognition and should be further driven first and foremost by user's needs rather than an excessively rigid legal framework.

- *Do you think that the voluntary GGP for LNG System Operators and GGP for Third Party Access for Storage System Operators shall include further transparency requirements? In case your answer is yes, please specify what is missing in your view.*

Please see the comments here above, and in particular the results of ERGEG's monitoring carried out in 2009.

Finally, and independently of the above, GLE would welcome confirmation as to how this ERGEG's Public Consultation interacts with the task C-19 proposed by CEER in the Draft for Public Consultation regarding European Energy Regulators' 2011 Work Programme (Ref. C10-WPDC-20-07, dated 8 September 2010).