

EREGEG 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**.

EREGEG 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: **Commission de Régulation de l'Energie (CRE)**

1.2 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"/>

1.3 Does your National Regulatory Authority (NRA) regulate:

(a) tariffs for TPA to storage	<input type="checkbox"/>
(b) terms and conditions for TPA to storage	<input type="checkbox"/>
(c) other (<i>please provide comments below</i>)	<input type="checkbox"/>
notes: CRE is the dispute settlement authority for complaints concerning access to storage	

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

answer: Ministry of Industry (see questions 5.1 to 5.3 on storage capacity allocation and congestion management)

1.5 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 (<i>please specify below</i>)	<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 type="checkbox"/>
notes: no	

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: a letter was sent to both SSOs (Gaz de France and Total Infrastructures Gaz France). The letter requires that the SSOs demonstrate that they meet the requirements of the GGPSSO.	

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: for the one SSO in France which is part of a vertically integrated company, CRE received this document	

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 checked="" type="checkbox"/>
(b) another RNRA (<i>please specify below</i>)	<input type="checkbox"/>
notes: the SSOs develop their own standard storage contract By law, the SSOs shall forward the contracts they sign to CRE. Therefore, CRE monitors that their clauses correspond to the standard storage contracts clauses	

(c) no approval or monitoring (i.e. NRA or RNRA not competent according to national legislation)	<input 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 type="checkbox"/>
(b) another RNRA (<i>please specify below</i>)	<input type="checkbox"/>
notes: as indicated in the answer for question 2.3, CRE has sent a letter to the SSOs and has required that they demonstrate that no storage capacity is excluded from TPA. However, according to national legislation, CRE has no formal power to verify that it is the case	
(c) no approval or monitoring (i.e. NRA or RNRA not competent according to national legislation)	<input checked="" type="checkbox"/>

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

answer:	<input type="checkbox"/>
notes: both SSOs have stated publicly that no storage capacity is excluded from TPA - except capacities reserved exclusively for the TSO, in accordance of article 2(9) of the Gas Directive-.	

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 checked="" 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 checked="" type="checkbox"/>
notes: TSOs, DSOs, operators of LNG facilities As provided for by the current regulatory framework -subject to evolve, as a decree (statutory instrument) on storage capacity allocation is in preparation- while PSOs are placed on shippers (suppliers) and other storage users, they are not legally obliged to book storage capacity in order to fulfil their PSOs. They may decide to use other instruments (e.g. diversification of import sources).	

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: not relevant (see answer to question 4.3)	

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"/>

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 checked="" type="checkbox"/>
notes: the Ministry of Industry is working on a decree (statutory instrument) on storage capacity allocation, to be published soon. For the time being, the SSOs have applied their own mechanism	
(c) not regulated	<input checked="" type="checkbox"/>

5.2 Storage capacity allocation is monitored by:

(a) your regulatory authority	<input checked="" type="checkbox"/>
(b) another RNRA (<i>please specify below</i>)	<input type="checkbox"/>
notes: by law, the SSOs forward all signed contracts to CRE and therefore CRE is able to monitor that the provisional storage capacity allocation mechanism is applied by the SSO CRE, as the dispute settlement authority for storage also monitors the storage capacity allocation mechanism on an ex post basis	
(c) not monitored (i.e. NRA or RNRA not competent according to national legislation)	<input 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 type="checkbox"/>
notes: no - regulatory framework to evolve (decree -statutory instrument- in preparation)	

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 type="checkbox"/>
(b) another RNRA (<i>please specify below</i>)	<input type="checkbox"/>
notes:	
(c) no specific legal framework for such requests	<input checked="" type="checkbox"/>

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 type="checkbox"/>
(b) set or approved by another RNRA (<i>please specify below</i>)	<input type="checkbox"/>
notes: tariffs are negotiated	