

The background is a dark blue globe with glowing blue energy lines and nodes, suggesting a global network or energy infrastructure.

# ***Updates on transparency publications for EnC Contracting Parties***

***Elena Stratulat - ECRB gas working group***

***Scope: assisting the NRAs in enforcing the implementation of Regulation (EU) 715/2009.***

***Covering the Contracting Parties with gas markets: Albania, Bosnia and Herzegovina (Republika Srpska entity), North Macedonia, Georgia, Moldova, Serbia and Ukraine.***

***Methodology :***

- 1. Data and analysis are based on information provided by the NRAs of the analysed markets relating to the transparency requirements of***
  - a. Implementation of Directive 2009/73/EC and***
  - b. Implementation of Regulation (EC) 715/2009.***
- 2. Data presented refers to status quo in 2019.***
- 3. Overall scoring in terms of publication of data pursuant to Annex I of Regulation 715/2009***

- ***Albania: Transposed the Third Energy Package and established a general legal framework for further developing the gas market in compliance with the *acquis*.***
- ***Bosnia and Herzegovina: there is no State level legislation compliant with Third Energy Package.***
- ***Republika Srpska has in general transposed the Third Package via the Gas Law 2018 and at same time decoupled its legal and regulatory framework from the State level.***
- ***Kosovo\*: following the adoption of the Law on Natural Gas Sector, Kosovo\* is to a large extent compliant with the Third Energy Package in the gas sector but has no functional gas sector.***
- ***North Macedonia: has visibly shifted up a gear as regards the transposition of the Energy Community *acquis*.***

# Transposition and *de iure* Compliance – EnC CPs



- ***Moldova: has transposed Third Energy Package by adopting the Natural Gas Law and the relevant normative acts on transparency;***
- ***Serbia: Serbia's gas sector is governed by the Energy Law, which transposes the Third Energy Package, and numerous secondary legislation adopted by the national regulatory authority AERS;***
- ***Ukraine: the Natural Gas Market Law transposes the majority of Third Energy Package provisions.***
- ***Georgia became Contracting Party of the Energy Community in July 2017 and has not transposed the Third Energy Package in national legislation yet.***

# De-facto implementation of transparency requirements of Directive 2009/73/EC



Table 1 Implementation of transparency requirements of Directive 2009/73/EC

Relevant Article of Directive 2009/73/EC	Short description of information that has to be published	Body responsible for publishing	Albania	Bosnia and Herzegovina	North Macedonia	Georgia	Moldova	Serbia	Ukraine
5 (Monitoring of SoS)	Report outlining the findings resulting from monitoring of security of supply, as well as any measures taken or envisaged to address them	Contracting Party, NRA	No	No	√	No	No	No	√
8 (Technical rules)	Technical rules establishing the minimum technical design and operational requirements for the connection to the system of LNG facilities, storage facilities, other transmission or distribution systems and direct lines	TSO, NRA	No	No	√	No	No	√	√
13(3) Tasks of transmission, storage and/or LNG system operators	Terms and conditions, including rules and tariffs, for the provision of balancing services by the TSOs	TSO ; NRA methodology for charges	No	√	√	√	No	√	√
15(2d) Unbundling of transmission system owners and SSOs	Annual report, setting out measures taken to ensure that discriminatory conduct is excluded	person/body responsible for monitoring the compliance programme	No	No	No	No	√	No	nap

# De-facto implementation of transparency requirements of Directive 2009/73/EC



Relevant Article of Directive 2009/73/EC	Short description of information that has to be published	Body responsible for publishing	Albania	Bosnia and Herzegovina	North Macedonia	Georgia	Moldova	Serbia	Ukraine
16(3) Confidentiality for TSOs and transmission system owners	Information <u>necessary</u> for effective competition and the efficient functioning of the market	TSOs, SSOs, LNG operators and transmission system owners	No	No	No	No	No	√	NAP
22(4) Network development and powers to make investment decisions	Results on consultation process regarding TYNDP, in particular possible needs for investments	NRA	No	No	No	No	No	√	√
23(1) Decision- making powers regarding connection of storage facilities, LNG regasification facilities and industrial customers to the transmission system	Procedures and tariffs for connection of storage facilities, LNG regasification facilities and industrial customers to the transmission system	TSO	No	√	No	√	√	√	√

# De-facto implementation of transparency requirements of Directive 2009/73/EC



Relevant Article of Directive 2009/73/EC	Short description of information that has to be published	Body responsible for publishing	Albania	Bosnia and Herzegovina	North Macedonia	Georgia	Moldova	Serbia	Ukraine
31(2) Unbundling of accounts	Annual accounts in accordance with the rules of national law concerning the annual account of LLC...	NRA, TSO	No	No	No	√	No	No	√
32(1) Third- party access	Transmission, distribution and LNG tariffs or methodologies, where only methodologies are approved	TSOs, DSOs, LNG operators, NRAs	√	√	√	√	√	√	√
33 (1)	Criteria according to which the access regime applicable to storage facilities and <u>linepack</u> may be determined	TSOs, LNG operators, NRAs	No	No	No	No	No	√	√
33 (3)	Main commercial conditions for the use of storage, <u>linepack</u> and other ancillary services, on annual basis	TSOs, LNG operators, NRAs	No	No	No	No	No	√	√
33 (4)	Storage tariffs in case of regulated access to storage	TSOs, LNG operators, NRAs	No	No	No	No	No	√	√

# De-facto implementation of transparency requirements of Regulation 2009/715/EC



Relevant Article of Regulation 715/2009	Short description of information that has to be published	Body responsible for publishing	Albania	Bosnia and Herzegovina	North Macedonia	Georgia	Moldova	Serbia	Ukraine
Art.3 Certification of TSOs	Decision on TSO certification, and, in case the decision different from the opinion of the ECS, the reasoning underlying such decision	NRA	√	X	X	X	X	√	X
Art.15 Third- party access services concerning storage and LNG facilities	Data on the use and availability of services, in a time-frame compatible with the LNG and storage facility users' reasonable commercial needs	LNG and SSO operator	X	nap	nap	X	nap	nap <sup>7</sup>	√
Article 16 (2) Principles of CAM and CMP concerning TSOs	Capacity allocation mechanisms	TSO	X	√	x	X	√	√	√
Article 16 (3) Principles of CAM and CMP concerning TSOs	Congestion management procedures	TSO	X	√	x	X	√	√	√
Article 17 (2) Principles of CAM and CMP concerning storage and LNG facilities	Capacity allocation mechanisms	LNG and SSO operator	X	nap	x	X	nap	nap	√

# De-facto implementation of transparency requirements of Regulation 2009/715/EC

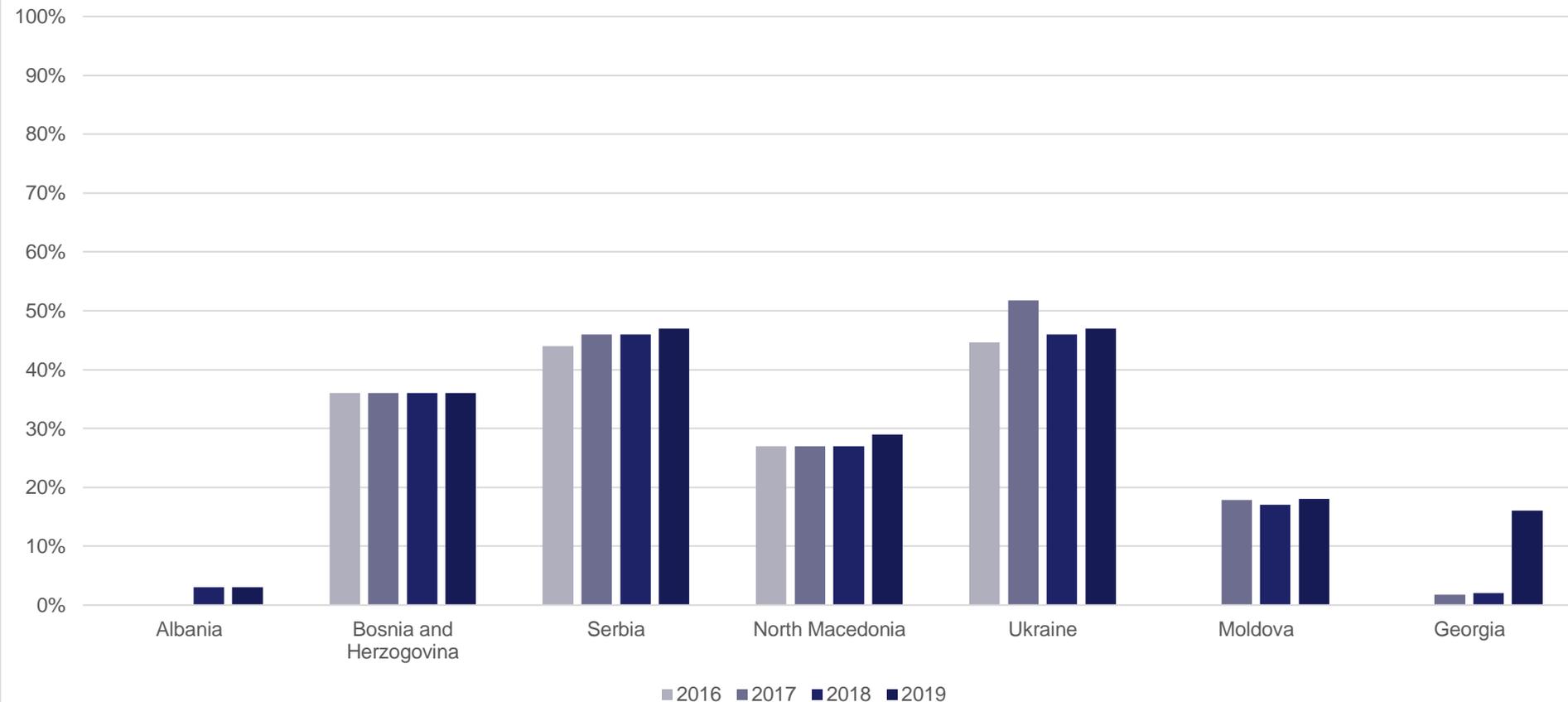


Relevant Article of Regulation 715/2009	Short description of information that has to be published	Body responsible for publishing	Albania	Bosnia and Herzegovina	North Macedonia	Georgia	Moldova	Serbia	Ukraine
Article 18(1) Transparency requirements concerning TSOs	Detailed info. regarding services offered and the relevant conditions applied, technical information necessary for network users to gain effective network access	TSO	X	√	x	√	√	√	√
Article 18(2) Transparency requirements concerning TSOs	Reasonably and sufficiently detailed information on tariff derivation, methodology and structure	TSO or NRA	√	√	√	√	√	√	√
Article 18(3) Transparency requirements concerning TSOs	Info. on technical, contracted and available capacities on a numerical basis for all relevant points including e/e points on a regular and rolling basis, in a user-friendly and standardized manner	TSO	X	√	X	X	X	X	√
Article 18(6) Transparency requirements concerning TSOs	Ex- ante and ex- post supply and demand information, based on nominations, forecasts and realized flows in and out of the system	TSO	X	X	X	X	X	X	X <sup>8</sup>
Article 18(7) Transparency requirements concerning TSOs	Measures taken as well as costs incurred and revenue generated to balance the system	TSO	X	X	X	X	X	X	X <sup>9</sup>

# Overall scoring in terms of publication of data pursuant to Annex I of Regulation 715/2009



Annex I Reg. 715



## Conclusions:



- ***Primary and secondary legislation implementing 3rd Package gas transparency requirements in other analyzed Contracting Parties is still under preparation and currently implemented transparency provisions are based on the existing gas market related rules***
- ***In general, Serbia and Ukraine are ahead in terms of compliance with the legislation, in particular with Annex I of 715/2009 Regulation. Moderate progress has been recorded by Moldova and Georgia;***
- ***It can be concluded that during the past year a certain level of transparency has been established in the Contracting Parties. However, improvements and further progress are needed.***

The background is a dark blue globe with a grid of latitude and longitude lines. Overlaid on the globe is a complex network of glowing blue lines and circular nodes, representing a global energy or communication network. The nodes are concentrated in the European region and radiate outwards.

*Thank you  
for your attention!*

[estratulat@anre.md](mailto:estratulat@anre.md)

[www.energy-community.org](http://www.energy-community.org)