

ANNEX I TO REGULATION (EC) NO 715/2009
 on conditions for access to the natural gas transmission networks
 as amended by Commission Decision (EU) 2012/490 of 24 August 2012¹ and Commission Decision (EU) 2015/715 of 30 April 2015²

DECISION 2017/XX/PHLG-ENC OF THE PERMANENT HIGH LEVEL GROUP OF THE ENERGY COMMUNITY

Correlation Table

<p style="text-align: center;"><u>WORDING OF</u></p> <p style="text-align: center;">Annex I to Regulation (EC) No 715/2009</p> <p style="text-align: center;">as applicable in the Energy Community</p> <p style="text-align: center;">based on MINISTERIAL COUNCIL DECISION 2011/02/MC-EnC of 6 October 2011</p> <p style="text-align: center;"><u>Consolidated version</u></p>	<p style="text-align: center;"><u>WORDING OF</u></p> <p style="text-align: center;">Annex I to Regulation (EC) No 715/2009</p> <p style="text-align: center;">as applicable in the European Union</p> <p style="text-align: center;">amended by Commission Decision (EU) 2012/490 of 24 August 2012 and Commission Decision (EU) 2015/715 of 30 April 2015</p>	<p style="text-align: center;"><u>WORDING OF</u></p> <p style="text-align: center;">ANNEX I TO REGULATION (EC) NO 715/2009</p> <p style="text-align: center;">applicable in the Energy Community</p> <p style="text-align: center;">as adopted and adapted by DECISION OF THE PERMANENT HIGH LEVEL GROUP OF THE ENERGY COMMUNITY 2017/xx/PHLG-EnC</p> <p style="text-align: center;">(Proposal)</p> <p style="text-align: center;"><u>Consolidated version</u></p>
<p>Bold blue- adaptations made by MC Decision D/2011/02/MC-EnC</p>	<p>Bold black – Amendments made by Commission Decision (EU) 2012/490 of 24 August 2012 and Commission Decision (EU) 2015/715 of 30 April 2015</p> <p>Deletions stemming from Commission Decision (EU) 2012/490 of 24 August 2012 and Commission Decision (EU) 2015/715 of 30 April 2015 marked cancelled</p>	<p>Bold black – Amendments stemming from Commission Decision (EU) 2012/490 and Commission Decision (EU) 2015/715 compared to Annex I as currently applicable in the Energy Community</p> <p>Deletions stemming from Commission Decision (EU) 2012/490 and Commission Decision (EU) 2015/715 compared to Annex I as currently applicable in the Energy Community marked cancelled</p> <p>Adaptations of Commission Decision (EU) 2012/490 and Commission Decision (EU) 2015/715 for the Energy Community marked blue and underlined</p>

¹ Commission Decision (EU) 2012/490 of 24 August 2012 on amending Annex I to Regulation (EC) No 715/2009 of the European Parliament and of the Council on conditions for access to the natural gas transmission networks ('Commission Decision (EU) 2012/490').

² Commission Decision (EU) 2015/715 of 30 April 2015 on amending Annex I to Regulation (EC) No 715/2009 of the European Parliament and of the Council on conditions for access to the natural gas transmission networks ('Commission Decision (EU) 2015/715').

	<p align="center">Article 1</p> <p>Annex I to Regulation (EC) No 715/2009 is amended in accordance with the Annex to this Decision.</p>	<p align="center">Article 1</p> <p><u>Not applicable – replaced by DECISION OF THE PERMANENT HIGH LEVEL GROUP OF THE ENERGY COMMUNITY 2017/xx/PHLG-EnC</u></p>
	<p align="center">Article 2</p> <p>This Decision shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.</p> <p>Done at Brussels, 24 August 2012.</p> <p>For the Commission The President José Manuel BARROSO</p>	<p align="center">Article 2</p> <p><u>Not applicable – replaced by DECISION OF THE PERMANENT HIGH LEVEL GROUP OF THE ENERGY COMMUNITY 2017/xx/PHLG-EnC</u></p>
Annex I to Regulation (EC) No 715/2009 GUIDELINES ON	Annex I to Regulation (EC) No 715/2009 GUIDELINES ON is amended as follows:	Annex I to Regulation (EC) No 715/2009 GUIDELINES ON is amended as follows:
1. Third-party access services concerning transmission system operators		1. Third-party access services concerning transmission system operators
1. Transmission system operators shall offer firm and interruptible services down to a minimum period of one day.		1. Transmission system operators shall offer firm and interruptible services down to a minimum period of one day.
2. Harmonised transport contracts and common network codes shall be designed in a manner that facilitates trading and re-utilisation of capacity contracted by network users without hampering capacity release.		2. Harmonised transport contracts and common network codes shall be designed in a manner that facilitates trading and re-utilisation of capacity contracted by network users without hampering capacity release.
3. Transmission system operators shall develop network codes and harmonised contracts following proper consultation with network users.		3. Transmission system operators shall develop network codes and harmonised contracts following proper consultation with network users.
4. Transmission system operators shall implement standardised nomination and re-nomination procedures. They shall develop information systems and electronic communication means to provide adequate data to network users and to simplify transactions, such as nominations, capacity contracting and		4. Transmission system operators shall implement standardised nomination and re-nomination procedures. They shall develop information systems and electronic communication means to provide adequate data to network users and to simplify transactions, such as nominations, capacity contracting and transfer of capacity rights

Working draft, 5 April 2017. This draft does not represent an official Commission proposal. Not for further distribution.

transfer of capacity rights between network users.		between network users.
5. Transmission system operators shall harmonise formalised request procedures and response times according to best industry practice with the aim of minimising response times. They shall provide for online screen-based capacity booking and confirmation systems and nomination and re-nomination procedures no later than 1 January 2010 after consultation with the relevant network users.		5. Transmission system operators shall harmonise formalised request procedures and response times according to best industry practice with the aim of minimising response times. They shall provide for online screen-based capacity booking and confirmation systems and nomination and re-nomination procedures no later than 1 January 2010 after consultation with the relevant network users.
6. Transmission system operators shall not separately charge network users for information requests and transactions associated with their transport contracts and which are carried out according to standard rules and procedures.		6. Transmission system operators shall not separately charge network users for information requests and transactions associated with their transport contracts and which are carried out according to standard rules and procedures.
7. Information requests that require extraordinary or excessive expenses such as feasibility studies may be charged separately, provided the charges can be duly substantiated.		7. Information requests that require extraordinary or excessive expenses such as feasibility studies may be charged separately, provided the charges can be duly substantiated.
8. Transmission system operators shall cooperate with other transmission system operators in coordinating the maintenance of their respective networks in order to minimise any disruption of transmission services to network users and transmission system operators in other areas and in order to ensure equal benefits with respect to security of supply including in relation to transit.		8. Transmission system operators shall cooperate with other transmission system operators in coordinating the maintenance of their respective networks in order to minimise any disruption of transmission services to network users and transmission system operators in other areas and in order to ensure equal benefits with respect to security of supply including in relation to transit.
9. Transmission system operators shall publish at least annually, by a predetermined deadline, all planned maintenance periods that might affect network users' rights from transport contracts and corresponding operational information with adequate advance notice. This shall include publishing on a prompt and non-discriminatory basis any changes to planned maintenance periods and notification of unplanned maintenance, as soon as that information becomes available to the transmission system operator. During maintenance periods, transmission system operators shall publish regularly updated information on the details of and expected duration and effect of the maintenance.		9. Transmission system operators shall publish at least annually, by a predetermined deadline, all planned maintenance periods that might affect network users' rights from transport contracts and corresponding operational information with adequate advance notice. This shall include publishing on a prompt and non-discriminatory basis any changes to planned maintenance periods and notification of unplanned maintenance, as soon as that information becomes available to the transmission system operator. During maintenance periods, transmission system operators shall publish regularly updated information on the details of and expected duration and effect of the maintenance.
10. Transmission system operators shall maintain and make available to the competent authority upon request a daily log of the actual maintenance and flow disruptions that have occurred. Information shall also be made available on request to those affected by any disruption.		10. Transmission system operators shall maintain and make available to the competent authority upon request a daily log of the actual maintenance and flow disruptions that have occurred. Information shall also be made available on request to those affected by any disruption.

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<p>2. Principles of capacity-allocation mechanisms and congestion-management procedures concerning transmission system operators and their application in the event of contractual congestion</p>		<p>2. Principles of capacity-allocation mechanisms and congestion-management procedures concerning transmission system operators and their application in the event of contractual congestion</p>
<p>2.1. Principles of capacity-allocation mechanisms and congestion-management procedures concerning transmission system operators</p>		<p>2.1. Principles of capacity-allocation mechanisms and congestion-management procedures concerning transmission system operators</p>
<p>1. Capacity-allocation mechanisms and congestion-management procedures shall facilitate the development of competition and liquid trading of capacity and shall be compatible with market mechanisms including spot markets and trading hubs. They shall be flexible and capable of adapting to evolving market circumstances.</p>		<p>1. Capacity-allocation mechanisms and congestion-management procedures shall facilitate the development of competition and liquid trading of capacity and shall be compatible with market mechanisms including spot markets and trading hubs. They shall be flexible and capable of adapting to evolving market circumstances.</p>
<p>2. Those mechanisms and procedures shall take into account the integrity of the system concerned as well as security of supply.</p>		<p>2. Those mechanisms and procedures shall take into account the integrity of the system concerned as well as security of supply.</p>
<p>3. Those mechanisms and procedures shall neither hamper the entry of new market participants nor create undue barriers to market entry. They shall not prevent market participants, including new market entrants and companies with a small market share, from competing effectively.</p>		<p>3. Those mechanisms and procedures shall neither hamper the entry of new market participants nor create undue barriers to market entry. They shall not prevent market participants, including new market entrants and companies with a small market share, from competing effectively.</p>
<p>4. Those mechanisms and procedures shall provide appropriate economic signals for efficient and maximum use of technical capacity and facilitate investment in new infrastructure.</p>		<p>4. Those mechanisms and procedures shall provide appropriate economic signals for efficient and maximum use of technical capacity and facilitate investment in new infrastructure.</p>
<p>5. Network users shall be advised about the type of circumstance that could affect the availability of contracted capacity. Information on interruption should reflect the level of information available to the transmission system operator.</p>		<p>5. Network users shall be advised about the type of circumstance that could affect the availability of contracted capacity. Information on interruption should reflect the level of information available to the transmission system operator.</p>
<p>6. Should difficulties in meeting contractual delivery obligations arise due to system integrity reasons, transmission system operators should notify network users and seek a non-discriminatory solution without delay.</p> <p>Transmission system operators shall consult network users regarding procedures prior to their implementation and agree them with the regulatory authority.</p>		<p>6. Should difficulties in meeting contractual delivery obligations arise due to system integrity reasons, transmission system operators should notify network users and seek a non-discriminatory solution without delay.</p> <p>Transmission system operators shall consult network users regarding procedures prior to their implementation and agree them with the regulatory authority.</p>
	<p>1. point 2.2 is replaced by the following:</p>	

2.2. Congestion management procedures in the event of contractual congestion	"2.2. Congestion management procedures in the event of contractual congestion	2.2. Congestion management procedures in the event of contractual congestion
1. In the event that contracted capacity goes unused, transmission system operators shall make that capacity available on the primary market on an interruptible basis via contracts of differing duration, as long as that capacity is not offered by the relevant network user on the secondary market at a reasonable price.	1. In the event that contracted capacity goes unused, transmission system operators shall make that capacity available on the primary market on an interruptible basis via contracts of differing duration, as long as that capacity is not offered by the relevant network user on the secondary market at a reasonable price.	1. In the event that contracted capacity goes unused, transmission system operators shall make that capacity available on the primary market on an interruptible basis via contracts of differing duration, as long as that capacity is not offered by the relevant network user on the secondary market at a reasonable price.
	<p style="text-align: center;">2.2.1. General Provisions</p> <p>1. The provisions of point 2.2 shall apply to interconnection points between adjacent entry-exit systems, irrespective of whether they are physical or virtual, between two or more Member States or within the same Member State in so far as the points are subject to booking procedures by users. They may also apply to entry points from and exit points to third countries, subject to the decision of the relevant national regulatory authority. Exit points to end-consumers and distribution networks, entry points from LNG terminals and production facilities, and entry-exit points from and to storage facilities are not subject to the provisions of point 2.2.</p>	<p style="text-align: center;">2.2.1. General Provisions</p> <p>1. The provisions of point 2.2 shall apply to interconnection points between adjacent entry-exit systems, irrespective of whether they are physical or virtual, between two or more Member State Contracting Parties to the Energy Community or within the same Member State Contracting Party to the Energy Community in so far as the points are subject to booking procedures by users <u>and subject to the decision of the relevant Contracting Party's national regulatory authority</u>. They may also apply to entry points from and exit points to third countries, subject to the decision of the relevant national regulatory authority. Exit points to end-consumers and distribution networks, entry points from LNG terminals and production facilities, and entry-exit points from and to storage facilities are not subject to the provisions of point 2.2.</p>
	2. On the basis of the information published by the transmission system operators pursuant to Section 3 of this Annex and, where appropriate, validated by national regulatory authorities, the Agency shall publish by 1 March of every year, commencing with the year 2014, a monitoring report on congestion at interconnection points with respect to firm capacity products sold in the preceding year, taking into consideration to the extent possible capacity trading on the secondary market and the use of interruptible capacity.	2. On the basis of the information published by the transmission system operators pursuant to Section 3 of this Annex and, where appropriate, validated by national regulatory authorities, the Agency <u>Energy Community Regulatory Board</u> shall publish by 1 March <u>June</u> of every year, commencing with the year 2014 <u>2020</u> , a monitoring report on congestion at interconnection points with respect to firm capacity products sold in the preceding year, taking into consideration to the extent possible capacity trading on the secondary market and the use of interruptible capacity.
	3. Any additional capacity made available through the application of one of the congestion-management procedures as provided for in points 2.2.2, 2.2.3, 2.2.4 and 2.2.5 shall be offered by the respective transmission system operator(s) in the regular allocation process.	3. Any additional capacity made available through the application of one of the congestion-management procedures as provided for in points 2.2.2, 2.2.3, 2.2.4 and 2.2.5 shall be offered by the respective transmission system operator(s) in the regular allocation process.

	<p>4. The measures provided for in points 2.2.2, 2.2.4 and 2.2.5 shall be implemented as of 1 October 2013. Points 2.2.3(1) to 2.2.3(5) shall apply as of 1 July 2016.</p>	<p>4. The measures provided for in points 2.2.2, 2.2.4 and 2.2.5 shall be implemented as of 1 October 2013 <u>2018</u>. Points 2.2.3(1) to 2.2.3(5) shall apply as of 1 July 2016 <u>2020</u>.</p>
<p>2. Revenues from released interruptible capacity shall be split according to rules laid down or approved by the relevant regulatory authority. Those rules shall be compatible with the requirement of an effective and efficient use of the system.</p>	<p>2. Revenues from released interruptible capacity shall be split according to rules laid down or approved by the relevant regulatory authority. Those rules shall be compatible with the requirement of an effective and efficient use of the system.</p>	<p>2. Revenues from released interruptible capacity shall be split according to rules laid down or approved by the relevant regulatory authority. Those rules shall be compatible with the requirement of an effective and efficient use of the system.</p>
	<p>2.2.2. Capacity increase through oversubscription and buy-back scheme</p> <p>1. Transmission system operators shall propose and, after approval by the national regulatory authority, implement an incentive-based oversubscription and buy-back scheme in order to offer additional capacity on a firm basis. Before implementation, the national regulatory authority shall consult with the national regulatory authorities of adjacent Member States and take account of the adjacent national regulatory authorities' opinions. Additional capacity is defined as the firm capacity offered in addition to the technical capacity of an interconnection point calculated on the basis of Article 16(1) of this Regulation.</p>	<p>2.2.2. Capacity increase through oversubscription and buy-back scheme</p> <p>1. Transmission system operators shall propose and, after approval by the national regulatory authority, implement an incentive-based oversubscription and buy-back scheme in order to offer additional capacity on a firm basis. Before implementation, the national regulatory authority shall consult with the national regulatory authorities of adjacent <u>Contracting Parties and Member States of the European Union</u> Member States and take account of the adjacent national regulatory authorities' opinions. Additional capacity is defined as the firm capacity offered in addition to the technical capacity of an interconnection point calculated on the basis of Article 16(1) of this Regulation.</p>
	<p>2. The oversubscription and buy-back scheme shall provide transmission system operators with an incentive to make available additional capacity, taking account of the technical conditions, such as the calorific value, temperature and expected consumption, of the relevant entry-exit system and the capacities in adjacent networks. Transmission system operators shall apply a dynamic approach with regard to the recalculation of the technical or additional capacity of the entry-exit system.</p>	<p>2. The oversubscription and buy-back scheme shall provide transmission system operators with an incentive to make available additional capacity, taking account of the technical conditions, such as the calorific value, temperature and expected consumption, of the relevant entry-exit system and the capacities in adjacent networks. Transmission system operators shall apply a dynamic approach with regard to the recalculation of the technical or additional capacity of the entry-exit system.</p>
	<p>3. The oversubscription and buy-back scheme shall be based on an incentive regime reflecting the risks of transmission system operators in offering additional capacity. The scheme shall be structured in such a way that revenues from selling additional capacity and costs arising from the buy-back scheme or measures pursuant to paragraph 6 are shared between the transmission system operators and the network users.</p>	<p>3. The oversubscription and buy-back scheme shall be based on an incentive regime reflecting the risks of transmission system operators in offering additional capacity. The scheme shall be structured in such a way that revenues from selling additional capacity and costs arising from the buy-back scheme or measures pursuant to paragraph 6 are shared between the transmission system operators and the network users. National regulatory authorities shall decide on the distribution of revenues and costs</p>

	National regulatory authorities shall decide on the distribution of revenues and costs between the transmission system operator and the network user.	between the transmission system operator and the network user.
	4. For the purpose of determining transmission system operators' revenues, technical capacity, in particular surrendered capacity as well as, where relevant, capacity arising from the application of firm day-ahead use-it-or-lose-it and long term use-it-or-lose-it mechanisms, shall be considered to be allocated prior to any additional capacity.	4. For the purpose of determining transmission system operators' revenues, technical capacity, in particular surrendered capacity as well as, where relevant, capacity arising from the application of firm day-ahead use-it-or-lose-it and long term use-it-or-lose-it mechanisms, shall be considered to be allocated prior to any additional capacity.
	5. In determining the additional capacity, the transmission system operator shall take into account statistical scenarios for the likely amount of physically unused capacity at any given time at interconnection points. It shall also take into account a risk profile for offering additional capacity which does not lead to excessive buy-back obligation. The oversubscription and buy-back scheme shall also estimate the likelihood and the costs of buying back capacity on the market and reflect this in the amount of additional capacity to be made available.	5. In determining the additional capacity, the transmission system operator shall take into account statistical scenarios for the likely amount of physically unused capacity at any given time at interconnection points. It shall also take into account a risk profile for offering additional capacity which does not lead to excessive buy-back obligation. The oversubscription and buy-back scheme shall also estimate the likelihood and the costs of buying back capacity on the market and reflect this in the amount of additional capacity to be made available.
	6. Where necessary to maintain system integrity, transmission system operators shall apply a market-based buy-back procedure in which network users can offer capacity. Network users shall be informed about the applicable buy-back procedure. The application of a buy-back procedure is without prejudice to the applicable emergency measures.	6. Where necessary to maintain system integrity, transmission system operators shall apply a market-based buy-back procedure in which network users can offer capacity. Network users shall be informed about the applicable buy-back procedure. The application of a buy-back procedure is without prejudice to the applicable emergency measures.
	7. Transmission system operators shall, before applying a buy-back procedure, verify whether alternative technical and commercial measures can maintain system integrity in a more cost-efficient manner.	7. Transmission system operators shall, before applying a buy-back procedure, verify whether alternative technical and commercial measures can maintain system integrity in a more cost-efficient manner.
	8. When proposing the oversubscription and buy-back scheme the transmission system operator shall provide all relevant data, estimates, and models to the national regulatory authority in order for the latter to assess the scheme. The transmission system operator shall regularly report to the national regulatory authority on the functioning of the scheme and, upon request of the national regulatory authority, provide all relevant data.	8. When proposing the oversubscription and buy-back scheme the transmission system operator shall provide all relevant data, estimates, and models to the national regulatory authority in order for the latter to assess the scheme. The transmission system operator shall regularly report to the national regulatory authority on the functioning of the scheme and, upon request of the national regulatory authority, provide all relevant data. The national regulatory authority may request the transmission system operator

	The national regulatory authority may request the transmission system operator to revise the scheme.	to revise the scheme.
3. A reasonable price for released interruptible capacity may be determined by the relevant regulatory authorities taking into account the specific circumstances prevailing.	3. A reasonable price for released interruptible capacity may be determined by the relevant regulatory authorities taking into account the specific circumstances prevailing.	3. A reasonable price for released interruptible capacity may be determined by the relevant regulatory authorities taking into account the specific circumstances prevailing.
	<p>2.2.3. Firm day-ahead use-it-or-lose-it mechanism</p> <p>1. National regulatory authorities shall require transmission system operators to apply at least the rules laid down in paragraph 3 per network user at interconnection points with respect to altering the initial nomination if, on the basis of the yearly monitoring report of the Agency in accordance with point 2.2.1(2), it is shown that at interconnection points demand exceeded offer, at the reserve price when auctions are used, in the course of capacity allocation procedures in the year covered by the monitoring report for products for use in either that year or in one of the subsequent two years,</p> <p>(a) for at least three firm capacity products with a duration of one month or</p> <p>(b) for at least two firm capacity products with a duration of one quarter or</p> <p>(c) for at least one firm capacity product with a duration of one year or more or</p> <p>(d) where no firm capacity product with a duration of one month or more has been offered.</p>	<p>2.2.3. Firm day-ahead use-it-or-lose-it mechanism</p> <p>1. National regulatory authorities shall require transmission system operators to apply at least the rules laid down in paragraph 3 per network user at interconnection points with respect to altering the initial nomination if, on the basis of the yearly monitoring report of the Agency Energy Community Regulatory Board in accordance with point 2.2.1(2), it is shown that at interconnection points demand exceeded offer, at the reserve price when auctions are used, in the course of capacity allocation procedures in the year covered by the monitoring report for products for use in either that year or in one of the subsequent two years,</p> <p>(a) for at least three firm capacity products with a duration of one month or</p> <p>(b) for at least two firm capacity products with a duration of one quarter or</p> <p>(c) for at least one firm capacity product with a duration of one year or more or</p> <p>(d) where no firm capacity product with a duration of one month or more has been offered.</p>
	2. If, on the basis of the yearly monitoring report, it is shown that a situation as defined in paragraph 1 is unlikely to reoccur in the following three years, for example as a result of capacity becoming available from physical expansion of the network or termination of long-term contracts, the relevant national regulatory authorities may decide to terminate the firm day-ahead use-it-or-lose-it mechanism.	2. If, on the basis of the yearly monitoring report, it is shown that a situation as defined in paragraph 1 is unlikely to reoccur in the following three years, for example as a result of capacity becoming available from physical expansion of the network or termination of long-term contracts, the relevant national regulatory authorities may decide to terminate the firm day-ahead use-it-or-lose-it mechanism.
	3. Firm renomination is permitted up to 90 % and down to 10 % of the contracted capacity by the network user at the interconnection point. However, if the nomination exceeds 80 % of the contracted capacity,	3. Firm renomination is permitted up to 90 % and down to 10 % of the contracted capacity by the network user at the interconnection point. However, if the nomination exceeds 80 % of the contracted capacity, half of the non-nominated volume may be renominated

	half of the non-nominated volume may be renominated upwards. If the nomination does not exceed 20 % of the contracted capacity, half of the nominated volume may be renominated downwards. The application of this paragraph is without prejudice to the applicable emergency measures.	upwards. If the nomination does not exceed 20 % of the contracted capacity, half of the nominated volume may be renominated downwards. The application of this paragraph is without prejudice to the applicable emergency measures.
	4. The original holder of the contracted capacity may renominate the restricted part of its contracted firm capacity on an interruptible basis.	4. The original holder of the contracted capacity may renominate the restricted part of its contracted firm capacity on an interruptible basis.
	5. Paragraph 3 shall not apply to network users — persons or undertakings and the undertakings they control pursuant to Article 3 of Regulation (EC) No 139/2004 — holding less than 10 % of the average technical capacity in the preceding year at the interconnection point.	5. Paragraph 3 shall not apply to network users — persons or undertakings and the undertakings they control pursuant to Article 3 of Regulation (EC) No 139/2004 — holding less than 10 % of the average technical capacity in the preceding year at the interconnection point.
	6. On interconnection points where a firm day-ahead use-it-or-lose-it mechanism in accordance with paragraph 3 is applied, an evaluation of the relationship with the oversubscription and buy-back scheme pursuant to point 2.2.2 shall be carried out by the national regulatory authority, which may result in a decision by the national regulatory authority not to apply the provisions of point 2.2.2 at those interconnection points. Such a decision shall be notified, without delay, to the Agency and the Commission.	6. On interconnection points where a firm day-ahead use-it-or-lose-it mechanism in accordance with paragraph 3 is applied, an evaluation of the relationship with the oversubscription and buy-back scheme pursuant to point 2.2.2 shall be carried out by the national regulatory authority, which may result in a decision by the national regulatory authority not to apply the provisions of point 2.2.2 at those interconnection points. Such a decision shall be notified, without delay, to the Agency Energy Community Regulatory Board and the Commission Energy Community Secretariat .
	7. A national regulatory authority may decide to implement a firm day-ahead use-it-or-lose-it mechanism pursuant to paragraph 3 on an interconnection point. Before adopting its decision, the national regulatory authority shall consult with the national regulatory authorities of adjacent Member States. In adopting its decision the national regulatory authority shall take account of the adjacent national regulatory authorities' opinions.	7. A national regulatory authority may decide to implement a firm day-ahead use-it-or-lose-it mechanism pursuant to paragraph 3 on an interconnection point. Before adopting its decision, the national regulatory authority shall consult with the national regulatory authorities of adjacent Contracting Parties and Member States of the European Union Member States . In adopting its decision the national regulatory authority shall take account of the adjacent national regulatory authorities' opinions.
4. Where appropriate, transmission system operators shall make reasonable endeavours to offer at least parts of the unused capacity to the market as firm capacity.	4. Where appropriate, transmission system operators shall make reasonable endeavours to offer at least parts of the unused capacity to the market as firm capacity.	4. Where appropriate, transmission system operators shall make reasonable endeavours to offer at least parts of the unused capacity to the market as firm capacity.
	2.2.4. Surrender of contracted capacity	2.2.4. Surrender of contracted capacity

	<p>Transmission system operators shall accept any surrender of firm capacity which is contracted by the network user at an interconnection point, with the exception of capacity products with a duration of a day and shorter. The network user shall retain its rights and obligations under the capacity contract until the capacity is reallocated by the transmission system operator and to the extent the capacity is not reallocated by the transmission system operator. Surrendered capacity shall be considered to be reallocated only after all the available capacity has been allocated. The transmission system operator shall notify the network user without delay of any reallocation of its surrendered capacity. Specific terms and conditions for surrendering capacity, in particular for cases where several network users surrender their capacity, shall be approved by the national regulatory authority.</p>	<p>Transmission system operators shall accept any surrender of firm capacity which is contracted by the network user at an interconnection point, with the exception of capacity products with a duration of a day and shorter. The network user shall retain its rights and obligations under the capacity contract until the capacity is reallocated by the transmission system operator and to the extent the capacity is not reallocated by the transmission system operator. Surrendered capacity shall be considered to be reallocated only after all the available capacity has been allocated. The transmission system operator shall notify the network user without delay of any reallocation of its surrendered capacity. Specific terms and conditions for surrendering capacity, in particular for cases where several network users surrender their capacity, shall be approved by the national regulatory authority.</p>
	<p style="text-align: center;">2.2.5. Long-term use-it-or-lose-it mechanism</p> <p>1. National regulatory authorities shall require transmission system operators to partially or fully withdraw systematically underutilised contracted capacity on an interconnection point by a network user where that user has not sold or offered under reasonable conditions its unused capacity and where other network users request firm capacity. Contracted capacity is considered to be systematically underutilised in particular if:</p> <p>(a) the network user uses less than on average 80 % of its contracted capacity both from 1 April until 30 September and from 1 October until 31 March with an effective contract duration of more than one year for which no proper justification could be provided; or</p> <p>(b) the network user systematically nominates close to 100 % of its contracted capacity and renominates downwards with a view to circumventing the rules laid down in point 2.2.3(3).</p>	<p style="text-align: center;">2.2.5. Long-term use-it-or-lose-it mechanism</p> <p>1. National regulatory authorities shall require transmission system operators to partially or fully withdraw systematically underutilised contracted capacity on an interconnection point by a network user where that user has not sold or offered under reasonable conditions its unused capacity and where other network users request firm capacity. Contracted capacity is considered to be systematically underutilised in particular if:</p> <p>(a) the network user uses less than on average 80 % of its contracted capacity both from 1 April until 30 September and from 1 October until 31 March with an effective contract duration of more than one year for which no proper justification could be provided; or</p> <p>(b) the network user systematically nominates close to 100 % of its contracted capacity and renominates downwards with a view to circumventing the rules laid down in point 2.2.3(3).</p>
	<p>2. The application of a firm day-ahead use-it-or-lose-it mechanism shall not be regarded as justification to prevent the application of paragraph 1.</p>	<p>2. The application of a firm day-ahead use-it-or-lose-it mechanism shall not be regarded as justification to prevent the application of paragraph 1.</p>

	<p>3. Withdrawal shall result in the network user losing its contracted capacity partially or completely for a given period or for the remaining effective contractual term. The network user shall retain its rights and obligations under the capacity contract until the capacity is reallocated by the transmission system operator and to the extent the capacity is not reallocated by the transmission system operator.</p>	<p>3. Withdrawal shall result in the network user losing its contracted capacity partially or completely for a given period or for the remaining effective contractual term. The network user shall retain its rights and obligations under the capacity contract until the capacity is reallocated by the transmission system operator and to the extent the capacity is not reallocated by the transmission system operator.</p>
	<p>4. Transmission system operators shall regularly provide national regulatory authorities with all the data necessary to monitor the extent to which contracted capacities with effective contract duration of more than one year or recurring quarters covering at least two years are used.";</p>	<p>4. Transmission system operators shall regularly provide national regulatory authorities with all the data necessary to monitor the extent to which contracted capacities with effective contract duration of more than one year or recurring quarters covering at least two years are used.";</p>
<p>3. Definition of the technical information necessary for network users to gain effective access to the system, the definition of all relevant points for transparency requirements and the information to be published at all relevant points and the time schedule according to which that information shall be published</p>		<p>3. Definition of the technical information necessary for network users to gain effective access to the system, the definition of all relevant points for transparency requirements and the information to be published at all relevant points and the time schedule according to which that information shall be published</p>
<p>3.1. Definition of the technical information necessary for network users to gain effective access to the system</p>	<p>2. point 3.1.1(1) is amended as follows: 3.1.1 Form of publication</p>	<p>3.1. Definition of the technical information necessary for network users to gain effective access to the system 3.1.1. Form of publication</p>
<p>(1) Transmission system operators (TSOs) shall provide all information referred to under paragraph 3.1.2 and paragraph 3.3(1) to 3.3(5) in the following manner: (a) on a website accessible to the public, free of charge and without any need to register or otherwise sign on with the transmission system operator; (b) on a regular/rolling basis; the frequency shall be according to the changes that take place and the duration of the service; (c) in a user-friendly manner; (d) in a clear, quantifiable, easily accessible way and on a non-discriminatory basis; (e) in downloadable format that allows for quantitative analyses; (f) in consistent units, in particular kWh (with a combustion reference temperature of 298,15 K) shall be the unit for energy content and m³ (at 273,15 K and 1,01325 bar) shall be the unit</p>	<p>(1) Transmission system operators (TSOs) shall provide all information referred to under paragraph 3.1.2 and paragraph 3.3(1) to 3.3(5) in the following manner: (a) on a website accessible to the public, free of charge and without any need to register or otherwise sign on with the transmission system operator; (b) on a regular/rolling basis; the frequency shall be according to the changes that take place and the duration of the service; (c) in a user-friendly manner; (d) in a clear, quantifiable, easily accessible way and on a non-discriminatory basis; (e) in downloadable format that has been agreed between transmission system operators and the national regulatory authorities — on the basis of an opinion on a harmonised format that shall be provided</p>	<p>(1) Transmission system operators (TSOs) shall provide all information referred to under paragraph 3.1.2 and paragraph 3.3(1) to 3.3(5) in the following manner: (a) on a website accessible to the public, free of charge and without any need to register or otherwise sign on with the transmission system operator; (b) on a regular/rolling basis; the frequency shall be according to the changes that take place and the duration of the service; (c) in a user-friendly manner; (d) in a clear, quantifiable, easily accessible way and on a non-discriminatory basis; (e) in a downloadable format that has been agreed between transmission system operators and the national regulatory authorities — on the basis of an opinion on a harmonised format that shall be provided by the Energy Community Regulatory Board the Agency — and that allows for quantitative analyses;</p>

<p>for volume. The constant conversion factor to energy content shall be provided. In addition to the format above, publication in other units is also possible;</p> <p>(g) in the official language(s) of the Energy Community Contracting Party and in English.</p>	<p>by the Agency — and that allows for quantitative analyses;</p> <p>(f) in consistent units, in particular kWh (with a combustion reference temperature of 298,15 K) shall be the unit for energy content and m³ (at 273,15 K and 1,01325 bar) shall be the unit for volume. The constant conversion factor to energy content shall be provided. In addition to the format above, publication in other units is also possible;</p> <p>(g) in the official language(s) of the Member State and in English.</p> <p>(h) all data shall be made available as of 1 October 2013 on one Union-wide central platform, established by ENTSOG on a cost-efficient basis.</p>	<p>(f) in consistent units, in particular kWh (with a combustion reference temperature of 298,15 K) shall be the unit for energy content and m³ (at 273,15 K and 1,01325 bar) shall be the unit for volume. The constant conversion factor to energy content shall be provided. In addition to the format above, publication in other units is also possible;</p> <p>(g) in the official language(s) of the Energy Community Contracting Party and in English.</p> <p>(h) all data shall be made available as of 1 October 2013 2018 on one Union-wide the central platform, established by ENTSOG on a cost-efficient basis.</p>
<p>(2) Transmission system operators shall provide details on actual changes to all information referred to under paragraph 3.1.2 and paragraph 3.3(1) to 3.3(5) in a timely manner as soon as available to them.</p>		<p>(2) Transmission system operators shall provide details on actual changes to all information referred to under paragraph 3.1.2 and paragraph 3.3(1) to 3.3(5) in a timely manner as soon as available to them.</p>
<p>3.1.2. Content of publication</p>		<p>3.1.2. Content of publication</p>
<p>Transmission system operators shall publish at least the following information about their systems and services:</p> <p>(a) a detailed and comprehensive description of the different services offered and their charges;</p> <p>(b) the different types of transportation contracts available for these services;</p> <p>(c) the network code and/or the standard conditions outlining the rights and responsibilities of all network users including:</p> <ol style="list-style-type: none"> 1. harmonised transportation contracts and other relevant documents; 2. if relevant for access to the system, for all relevant points as defined in paragraph 3.2 of this Annex, a specification of relevant gas quality parameters, including at least the gross calorific value and the Wobbe index, and the liability or costs of conversion for network users in case gas is outside these specifications; 3. if relevant for access to the system, for all relevant points information on pressure requirements; 4. the procedure in the event of an interruption of interruptible capacity, including, where applicable, the 		<p>Transmission system operators shall publish at least the following information about their systems and services:</p> <p>(a) a detailed and comprehensive description of the different services offered and their charges;</p> <p>(b) the different types of transportation contracts available for these services;</p> <p>(c) the network code and/or the standard conditions outlining the rights and responsibilities of all network users including:</p> <ol style="list-style-type: none"> 1. harmonised transportation contracts and other relevant documents; 2. if relevant for access to the system, for all relevant points as defined in paragraph 3.2 of this Annex, a specification of relevant gas quality parameters, including at least the gross calorific value and the Wobbe index, and the liability or costs of conversion for network users in case gas is outside these specifications; 3. if relevant for access to the system, for all relevant points information on pressure requirements; 4. the procedure in the event of an interruption of interruptible capacity, including, where applicable, the timing, extent, and ranking of individual interruptions (for example pro-rata or first-

<p>timing, extent, and ranking of individual interruptions (for example pro-rata or first-come-last-interrupted);</p> <p>(d) the harmonised procedures applied when using the transmission system, including the definition of key terms;</p> <p>(e) provisions on capacity allocation, congestion management and anti-hoarding and reutilisation procedures;</p> <p>(f) the rules applicable for capacity trade on the secondary market vis-à-vis the transmission system operator;</p> <p>(g) rules on balancing and methodology for the calculation of imbalance charges;</p> <p>(h) if applicable, the flexibility and tolerance levels included in transportation and other services without separate charge, as well as any flexibility offered in addition to this and the corresponding charges;</p> <p>(i) a detailed description of the gas system of the transmission system operator and its relevant points of interconnection as defined in paragraph 3.2 of this Annex as well as the names of the operators of the interconnected systems or facilities;</p> <p>(j) the rules applicable for connection to the system operated by the transmission system operator;</p> <p>(k) information on emergency mechanisms, as far as it is the responsibility of the transmission system operator, such as measures that can lead to the disconnection of customers groups and other general liability rules that apply to the transmission system operator;</p> <p>(l) procedures agreed upon by transmission system operators at interconnection points, of relevance for access of network users to the transmission systems concerned, relating to interoperability of the network, agreed procedures on nomination and matching procedures and other agreed procedures that set out provisions in relation to gas flow allocations and balancing, including the methods used;</p> <p>(m) transmission system operators shall publish a detailed and comprehensive description of the methodology and process, including information on the parameters employed and the key assumptions, used to calculate the technical capacity.</p>		<p>come-last-interrupted);</p> <p>(d) the harmonised procedures applied when using the transmission system, including the definition of key terms;</p> <p>(e) provisions on capacity allocation, congestion management and anti-hoarding and reutilisation procedures;</p> <p>(f) the rules applicable for capacity trade on the secondary market vis-à-vis the transmission system operator;</p> <p>(g) rules on balancing and methodology for the calculation of imbalance charges;</p> <p>(h) if applicable, the flexibility and tolerance levels included in transportation and other services without separate charge, as well as any flexibility offered in addition to this and the corresponding charges;</p> <p>(i) a detailed description of the gas system of the transmission system operator and its relevant points of interconnection as defined in paragraph 3.2 of this Annex as well as the names of the operators of the interconnected systems or facilities;</p> <p>(j) the rules applicable for connection to the system operated by the transmission system operator;</p> <p>(k) information on emergency mechanisms, as far as it is the responsibility of the transmission system operator, such as measures that can lead to the disconnection of customers groups and other general liability rules that apply to the transmission system operator;</p> <p>(l) procedures agreed upon by transmission system operators at interconnection points, of relevance for access of network users to the transmission systems concerned, relating to interoperability of the network, agreed procedures on nomination and matching procedures and other agreed procedures that set out provisions in relation to gas flow allocations and balancing, including the methods used;</p> <p>(m) transmission system operators shall publish a detailed and comprehensive description of the methodology and process, including information on the parameters employed and the key assumptions, used to calculate the technical capacity.</p>
<p><i>3.2. Definition of all relevant points for transparency requirements</i></p>		<p><i>3.2. Definition of all relevant points for transparency requirements</i></p>
<p>(1) Relevant points shall include at least:</p>		<p>(1) Relevant points shall include at least:</p>

<p>(a) all entry and exit points to and from a transmission network operated by a transmission system operator with the exception of exit points connected to a single final customer, and with the exception of entry points linked directly to a production facility of a single producer that is located within the Energy Community;</p> <p>(b) all entry and exit points connecting balancing zones of transmission system operators;</p> <p>(c) all points connecting the network of a transmission system operator with an LNG terminal, physical gas hubs, storage and production facilities, unless these production facilities are exempted under (a);</p> <p>(d) all points connecting the network of a given transmission system operator to infrastructure necessary for providing ancillary services as defined by Article 2(14) of Directive 2009/73/EC.</p>		<p>(a) all entry and exit points to and from a transmission network operated by a transmission system operator with the exception of exit points connected to a single final customer, and with the exception of entry points linked directly to a production facility of a single producer that is located within the Energy Community;</p> <p>(b) all entry and exit points connecting balancing zones of transmission system operators;</p> <p>(c) all points connecting the network of a transmission system operator with an LNG terminal, physical gas hubs, storage and production facilities, unless these production facilities are exempted under (a);</p> <p>(d) all points connecting the network of a given transmission system operator to infrastructure necessary for providing ancillary services as defined by Article 2(14) of Directive 2009/73/EC.</p>
<p>(2) Information for single final customers and for production facilities, that is excluded from the definition of relevant points as described under 3.2(1)(a), shall be published in aggregate format, at least per balancing zone. The aggregation of single final customers and of production facilities, excluded from the definition of relevant points as described under 3.2(1)(a), shall for the application of this Annex be considered as one relevant point.</p>		<p>(2) Information for single final customers and for production facilities, that is excluded from the definition of relevant points as described under 3.2(1)(a), shall be published in aggregate format, at least per balancing zone. The aggregation of single final customers and of production facilities, excluded from the definition of relevant points as described under 3.2(1)(a), shall for the application of this Annex be considered as one relevant point.</p>
<p>(3) Where points between two or more transmission operators are managed solely by the transmission operators concerned, with no contractual or operational involvement of system users whatsoever, or where points connect a transmission system to a distribution system and there is no contractual congestion at these points, transmission system operators shall be exempted for these points from the obligation to publish the requirements under paragraph 3.3 of this Annex. The national regulatory authority may require the transmission system operators to publish the requirements under paragraph 3.3 of this Annex for groups or all of the exempted points. In such case, the information, if available to the TSO, shall be published in an aggregated form at a meaningful level, at least per balancing zone. This aggregation of these points shall for the application of this annex be considered as one relevant point.</p>		<p>(3) Where points between two or more transmission operators are managed solely by the transmission operators concerned, with no contractual or operational involvement of system users whatsoever, or where points connect a transmission system to a distribution system and there is no contractual congestion at these points, transmission system operators shall be exempted for these points from the obligation to publish the requirements under paragraph 3.3 of this Annex. The national regulatory authority may require the transmission system operators to publish the requirements under paragraph 3.3 of this Annex for groups or all of the exempted points. In such case, the information, if available to the TSO, shall be published in an aggregated form at a meaningful level, at least per balancing zone. This aggregation of these points shall for the application of this annex be considered as one relevant point.</p>
	<p>3. in point 3.3(1) the following points (h), (i), (j), (k) and (l) are added:</p>	
<p>3.3. Information to be published at all relevant points and the time schedule according to which this information should be published</p>	<p>3.3. Information to be published at all relevant points and the time schedule according to which this information should be published</p>	<p>3.3. Information to be published at all relevant points and the time schedule according to which that information should be published</p>

<p>(1) At all relevant points, transmission system operators shall publish the information as listed in paragraphs (a) to (g), for all services and ancillary services provided (in particular information on blending, ballasting and conversion). This information shall be published on a numerical basis, in hourly or daily periods, equal to the smallest reference period for capacity booking and (re-)nomination and the smallest settlement period for which imbalance charges are calculated. If the smallest reference period is different from a daily period, information as listed in paragraphs (a) to (g) shall be made available also for the daily period. This information and updates shall be published as soon as available to the system operator (“near real time”).</p> <p>(a) the maximum technical capacity for flows in both directions;</p> <p>(b) the total contracted firm and interruptible capacity in both directions;</p> <p>(c) the nominations and re-nominations in both directions;</p> <p>(d) the available firm and interruptible capacity in both directions;</p> <p>(e) actual physical flows;</p> <p>(f) planned and actual interruption of interruptible capacity;</p> <p>(g) planned and unplanned interruptions to firm services as well as the information on restoration of the firm services (in particular, maintenance of the system and the likely duration of any interruption due to maintenance). Planned interruptions shall be published at least 42 days in advance.</p>	<p>(1) At all relevant points, transmission system operators shall publish the information as listed in paragraphs (a) to (g), for all services and ancillary services provided (in particular information on blending, ballasting and conversion). This information shall be published on a numerical basis, in hourly or daily periods, equal to the smallest reference period for capacity booking and (re-)nomination and the smallest settlement period for which imbalance charges are calculated. If the smallest reference period is different from a daily period, information as listed in paragraphs (a) to (g) shall be made available also for the daily period. This information and updates shall be published as soon as available to the system operator (“near real time”).</p> <p>(a) the technical capacity for flows in both directions;</p> <p>(b) the total contracted firm and interruptible capacity in both directions;</p> <p>(c) the nominations and re-nominations in both directions;</p> <p>(d) the available firm and interruptible capacity in both directions;</p> <p>(e) actual physical flows;</p> <p>(f) planned and actual interruption of interruptible capacity;</p> <p>(g) planned and unplanned interruptions to firm services as well as the information on restoration of the firm services (in particular, maintenance of the system and the likely duration of any interruption due to maintenance). Planned interruptions shall be published at least 42 days in advance.</p> <p>(h) occurrence of unsuccessful, legally valid requests for firm capacity products with a duration of one month or longer including the number and volume of the unsuccessful requests; and</p> <p>(i) in the case of auctions, where and when firm capacity products with a duration of one month or longer have cleared at prices higher than the reserve price;</p> <p>(j) where and when no firm capacity product with a duration of one month or longer has been offered in</p>	<p>(1) At all relevant points, transmission system operators shall publish the information as listed in paragraphs (a) to (g), for all services and ancillary services provided (in particular information on blending, ballasting and conversion). This information shall be published on a numerical basis, in hourly or daily periods, equal to the smallest reference period for capacity booking and (re-)nomination and the smallest settlement period for which imbalance charges are calculated. If the smallest reference period is different from a daily period, information as listed in paragraphs (a) to (g) shall be made available also for the daily period. This information and updates shall be published as soon as available to the system operator (“near real time”).</p> <p>(a) the maximum technical capacity for flows in both directions;</p> <p>(b) the total contracted firm and interruptible capacity in both directions;</p> <p>(c) the nominations and re-nominations in both directions;</p> <p>(d) the available firm and interruptible capacity in both directions;</p> <p>(e) actual physical flows;</p> <p>(f) planned and actual interruption of interruptible capacity;</p> <p>(g) planned and unplanned interruptions to firm services as well as the information on restoration of the firm services (in particular, maintenance of the system and the likely duration of any interruption due to maintenance). Planned interruptions shall be published at least 42 days in advance.</p> <p>(h) occurrence of unsuccessful, legally valid requests for firm capacity products with a duration of one month or longer including the number and volume of the unsuccessful requests; and</p> <p>(i) in the case of auctions, where and when firm capacity products with a duration of one month or longer have cleared at prices higher than the reserve price;</p> <p>(j) where and when no firm capacity product with a duration of one month or longer has been offered in the regular allocation process;</p> <p>k) total capacity made available through the application of the congestion-management procedures laid down in points 2.2.2, 2.2.3, 2.2.4 and 2.2.5 per applied congestion-management procedure;</p> <p>(l) points (h) to (k) shall apply from 1 October 2013 2018.</p>
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	<p>the regular allocation process;</p> <p>k) total capacity made available through the application of the congestion-management procedures laid down in points 2.2.2, 2.2.3, 2.2.4 and 2.2.5 per applied congestion-management procedure;</p> <p>(l) points (h) to (k) shall apply from 1 October 2013.</p>	
(2) At all relevant points, the information under paragraph 3.3(1)(a), (b) and (d) shall be published for a period of at least 18 months ahead.		(2) At all relevant points, the information under paragraph 3.3(1)(a), (b) and (d) shall be published for a period of at least 24 months ahead.
(3) At all relevant points, transmission system operators shall publish historical information on the requirements of paragraph 3.3(1)(a) to (g) for the past 5 years on a rolling basis.		(3) At all relevant points, transmission system operators shall publish historical information on the requirements of paragraph 3.3(1)(a) to (g) for the past 5 years on a rolling basis.
(4) Transmission system operators shall publish measured values of the gross calorific value or the Wobbe index at all relevant points, on a daily basis. Preliminary figures shall be published at the latest 3 days following the respective gas day. Final figures shall be published within 3 months after the end of the respective month.		(4) Transmission system operators shall publish measured values of the gross calorific value or the Wobbe index at all relevant points, on a daily basis. Preliminary figures shall be published at the latest 3 days following the respective gas day. Final figures shall be published within 3 months after the end of the respective month.
(5) For all relevant points, transmission system operators shall publish available capacities, booked and technical capacities, on an annual basis over all years where capacity is contracted plus 1 year, and at least for the next 10 years. This information shall be updated at least every month or more frequently, if new information becomes available. The publication shall reflect the period for which capacity is offered to the market.		(5) For all relevant points, transmission system operators shall publish available capacities, booked and technical capacities, on an annual basis over all years where capacity is contracted plus 1 year, and at least for the next 10 years. This information shall be updated at least every month or more frequently, if new information becomes available. The publication shall reflect the period for which capacity is offered to the market.
<i>3.4. Information to be published regarding the transmission system and the time schedule according to which this information should be published</i>		<i>3.4. Information to be published regarding the transmission system and the time schedule according to which this information should be published</i>
<p>(1) Transmission system operators shall ensure the publication on a daily basis and updated every day the aggregated amounts of capacities offered, and contracted on the secondary market (i.e. sold from one network user to another network user), where the information is available to the TSO. This information shall include the following specifications:</p> <p>(a) interconnection point where the capacity is sold;</p> <p>(b) type of capacity, i.e. entry, exit, firm, interruptible;</p> <p>(c) quantity and duration of the capacity usage rights;</p> <p>(d) type of sale, e.g. transfer or assignment;</p> <p>(e) the total number of trades/transfers;</p> <p>(f) any other conditions known to the transmission system operator</p>		<p>(1) Transmission system operators shall ensure the publication on a daily basis and updated every day the aggregated amounts of capacities offered, and contracted on the secondary market (i.e. sold from one network user to another network user), where the information is available to the TSO. This information shall include the following specifications:</p> <p>(a) interconnection point where the capacity is sold;</p> <p>(b) type of capacity, i.e. entry, exit, firm, interruptible;</p> <p>(c) quantity and duration of the capacity usage rights;</p> <p>(d) type of sale, e.g. transfer or assignment;</p> <p>(e) the total number of trades/transfers;</p> <p>(f) any other conditions known to the transmission system operator as mentioned in 3.3.</p>

<p>as mentioned in 3.3.</p> <p>In so far such information is provided by a third party, transmission system operators shall be exempted from this provision.</p>		<p>In so far such information is provided by a third party, transmission system operators shall be exempted from this provision.</p>
<p>(2) Transmission system operators shall publish harmonised conditions under which capacity transactions (e.g. transfers and assignments) will be accepted by them. These conditions must at least include:</p> <p>(a) a description of standardised products which can be sold on the secondary market;</p> <p>(b) lead time for the implementation/acceptation/registration of secondary trades. In case of delays the reasons have to be published;</p> <p>(c) the notification to the transmission system operator by the seller or the third party as referred to under 3.4(1) about name of seller and buyer and capacity specifications as outlined in 3.4(1).</p> <p>In so far such information is provided by a third party, transmission system operators shall be exempted from this provision.</p>		<p>(2) Transmission system operators shall publish harmonised conditions under which capacity transactions (e.g. transfers and assignments) will be accepted by them. These conditions must at least include:</p> <p>(a) a description of standardised products which can be sold on the secondary market;</p> <p>(b) lead time for the implementation/acceptation/registration of secondary trades. In case of delays the reasons have to be published;</p> <p>(c) the notification to the transmission system operator by the seller or the third party as referred to under 3.4(1) about name of seller and buyer and capacity specifications as outlined in 3.4(1).</p> <p>In so far such information is provided by a third party, transmission system operators shall be exempted from this provision.</p>
<p>(3) Regarding the balancing service of its system, each transmission system operator shall provide to each network user, for each balancing period, its specific preliminary imbalance volumes and cost data per individual network user, at the latest 1 month after the end of the balancing period. Final data of customers supplied according to standardised load profiles may be provided up to 14 months later. In so far such information is provided by a third party, transmission system operators shall be exempted from this provision. The provision of this information shall respect confidentiality of commercially sensitive information.</p>		<p>(3) Regarding the balancing service of its system, each transmission system operator shall provide to each network user, for each balancing period, its specific preliminary imbalance volumes and cost data per individual network user, at the latest 1 month after the end of the balancing period. Final data of customers supplied according to standardised load profiles may be provided up to 14 months later. In so far such information is provided by a third party, transmission system operators shall be exempted from this provision. The provision of this information shall respect confidentiality of commercially sensitive information.</p>
<p>(4) Where flexibility services, other than tolerances, are offered for third party access, transmission system operators shall publish daily forecasts on a day-ahead basis of the maximum amount of flexibility, the booked level of flexibility and the availability of flexibility for the market for the next gas day. The transmission system operator shall also publish <i>ex-post</i> information on the aggregate utilisation of every flexibility service at the end of each gas day. If the national regulatory authority is satisfied that such information could give room to potential abuse by network users, it may decide to exempt the transmission system operator from this obligation.</p>		<p>(4) Where flexibility services, other than tolerances, are offered for third party access, transmission system operators shall publish daily forecasts on a day-ahead basis of the maximum amount of flexibility, the booked level of flexibility and the availability of flexibility for the market for the next gas day. The transmission system operator shall also publish <i>ex-post</i> information on the aggregate utilisation of every flexibility service at the end of each gas day. If the national regulatory authority is satisfied that such information could give room to potential abuse by network users, it may decide to exempt the transmission system operator from this obligation.</p>
<p>(5) Transmission system operators shall publish, per balancing zone, the amount of gas in the transmission system at the start of each gas day and the forecast of the amount of gas in the transmission</p>		<p>(5) Transmission system operators shall publish, per balancing zone, the amount of gas in the transmission system at the start of each gas day and the forecast of the amount of gas in the transmission system at the end of</p>

<p>system at the end of each gas day. The forecast amount of gas for the end of the gas day shall be updated on an hourly basis throughout the gas day. If imbalance charges are calculated on an hourly basis, the transmission system operator shall publish the amount of gas in the transmission system on an hourly basis. Alternatively, transmission system operators shall publish, per balancing zone, the aggregate imbalance position of all users at the start of each balancing period and the forecast of the aggregated imbalance position of all users at the end of each gas day. If the national regulatory authority is satisfied that such information could give room to potential abuse by network users, it may decide to exempt the transmission system operator from this obligation.</p>		<p>each gas day. The forecast amount of gas for the end of the gas day shall be updated on an hourly basis throughout the gas day. If imbalance charges are calculated on an hourly basis, the transmission system operator shall publish the amount of gas in the transmission system on an hourly basis. Alternatively, transmission system operators shall publish, per balancing zone, the aggregate imbalance position of all users at the start of each balancing period and the forecast of the aggregated imbalance position of all users at the end of each gas day. If the national regulatory authority is satisfied that such information could give room to potential abuse by network users, it may decide to exempt the transmission system operator from this obligation.</p>
<p>(6) Transmission system operators shall provide user-friendly instruments for calculating tariffs.</p>		<p>(6) Transmission system operators shall provide user-friendly instruments for calculating tariffs.</p>
<p>(7) Transmission system operators shall keep at the disposal of the relevant national authorities, for at least 5 years, effective records of all capacity contracts and all other relevant information in relation to calculating and providing access to available capacities, in particular individual nominations and interruptions. Transmission system operators must keep documentation of all relevant information under point 3.3(4) and (5) for at least 5 years and make them available to the regulatory authority upon request. Both parties shall respect commercial confidentiality.'</p>		<p>(7) Transmission system operators shall keep at the disposal of the relevant national authorities, for at least 5 years, effective records of all capacity contracts and all other relevant information in relation to calculating and providing access to available capacities, in particular individual nominations and interruptions. Transmission system operators must keep documentation of all relevant information under point 3.3(4) and (5) for at least 5 years and make them available to the regulatory authority upon request. Both parties shall respect commercial confidentiality.'</p>