Regulation (EC) 1775/2005 implementation in R. Serbia

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Workshop on Regulation (EC) No. 1775/2005
Energy Community Secretariat
Vienna, March 5 – 6, 2009
International obligations

- Treaty establishing the Energy Community (Official Gazette of the RS, No 62/2006), and encompassing EU legislation set in Annex I

- Ambitious deadlines for implementation in natural gas sector
  - Directive 2003/55/EC concerning common rules for the internal market in natural gas sector
    deadline 1 July 2007, not fully implemented (TSO legal unbundling, regulatory responsibility …)
  - Regulation (EC) 1775/2005 on conditions for access to the natural gas transmission network
    deadline 31. December 2008 - mostly not implemented
  - Directive 2004/67/EC concerning measures to safeguard security of natural gas supply
    deadline 31. December 2009 – not implemented
## Compliance with Regulation 1775/2005

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- **Full compliance**: Green
- **Partial compliance**: Yellow
- **Non-compliance**: Red
Regulatory activity accomplished in natural gas sector (1)

- **Energy law**
  - determines the obligation of TSO to allow the TPA to system
  - prescribes that the TPA shall be allowed on the principles of openness and non-discrimination
  - sets the procedure which assures the legal protection to third parties if TPA access is denied (Article 37-39)

- **Implementation**
  - Tariff systems are published and accessible to public
  - Prices of access and usage of transportation system are regulated and accessible to the public
Regulatory activity accomplished in natural gas sector (2)

- AERS issued licenses for trade in natural gas sector:
  - Wholesale – activity of public interest (2)
  - Retail (31)
  - Natural gas trade on free market (12)

- All customers, except households, can choose supplier
  - AERS decision on determination of minimal annual natural gas consumption required for obtaining the status of eligible customer (Official Gazette of the RS, No 21/2008), in force starting from February 2008

- Tariff systems applied
  - for the usage of the transportation system for natural gas and for the usage of the distribution system PE Srbijagas effective from 15 October 2008
  - for the usage of the distribution system for natural gas applied starting for other DSO from 1 April 2009
Legal implementation of Regulation 1775/2005

- **Primary legislation**
  - Necessary Amendments of the Energy law (the Draft Law Amending the Energy Law still in formulation stage)
  - MOME responsible for the formulation of adequate model that accommodates the specificities of national market

- **Secondary legislation**
  - AERS responsible for effective regulatory support of the legal framework which is to be set once Amendments to Energy Law are in force

- **AERS regulatory support is to be achieved by**:
  - Tariff system amendments, which AERS responsibility is to formulate and Government to approve
  - Transmission Network code - TSO responsibility to formulate, AERS authorized to approve
Definition

- Definition
  - Important issue is to reach consensus on definitions of terminology and institutes used in EU documents as well as in regional practices which are to allow as to understand each other without doubt
  - The need for the precise transposition of definitions of terminology and institutes in Amendments to Energy Law, Network code and Tariff system

- Formulation of definitions
  - Unified definition is not applicable on EU level yet
  - Rewrite definitions from Article 2, Regulation 1775/2005
  - Some definitions can be more specific
  - Examples
    balancing period is 24 hours from 8 a.m. one day to 8 a.m. next day
definition for nomination and re-nomination can have deadlines for sending, etc.
Actual Tariff system / TSO limits

- **Actual tariff system for transport of natural gas**
  - Capacity is calculated using data from previous year
  - Capacity is offered on 1 year basis
  - No possibility for obtaining the interruptible capacity
  - No secondary market to trade capacity obtained

- **TSO does not have adequate metering nor IT infrastructure**
  - Limited number of exit points that have meters with log
  - Most meters on exit points are not connected to SCADA system
  - No software to manage nominations and capacity and commodity trade
Possible model of AERS Tariff system modification

- Transmission tariff system modification will be discussed and formulated in 2009

- Initial model/proposition how to change transmission tariff system
  - TSO offer capacity with duration between 1 month and 1 year
  - Traders are to nominate necessary capacity for the next year
  - Two types of interruptible capacity (max. day of interruption is: 1. less than 15 days and 2. more than 15 days)
  - Secondary trade with capacity between traders and TSO

- Final model will be defined

- Any suggestions are welcome
Third part access services

- **First step implementation**
  - Network code (Commercial rules), harmonized transmission contract and tariff system
  - TSO responsibility to formulate all documents except tariff system
  - Public consultation with traders and big customers is obligatory
  - All relevant documents should enter into force at the same moment
  - All documents will be published and accessible at TSO and AERS website

- **Next steps**
  - Capacity contract with duration less than 1 month
  - Contract with non-standard start day

- **Possible problem with appropriate guarantees for network users equal treatment**
  - TSO is not legally unbundled from the supplier, being the part of the same company
  - Determination of the level of guarantees required
Tolerance level and charges proposal

- **Balancing tolerance level**
  - It can not be high in winter season because TSO limited resources
  - It can be higher in the summer than in the winter season
  - TSO additional service – higher tolerance level?
  - One balancing group for all exit points without meters with log
  - Traders can form their balancing group

- **Imbalance charges**
  - Will be defined in tariff system
  - Shall not hamper the entry of new market entrants
  - Imbalance charge should provide network users incentives to balance their inputs and offtake of gas

- **Price for balancing gas**
  - Non-market based price for balancing gas
  - Will be defined in tariff system
  - Price for balancing price - formula or percentage of wholesale price
  - Proposal: 120% when TSO sell gas and 80% when TSO buy gas
Proposal for time table and reconciliation

**Time table for allocation**
- TSO shall send quantity measured on exit point to DSO and network users 2 hour after gas day
- DSO shall allocate daily quantity and send to TSO and network users 4 hour after gas day
- If DSO fail to send allocation, TSO shall allocate quantity “pro-rata” according to nomination
- Translatory provision for exit points without meters with log

**Reconciliation**
- TSO shall send to DSO final daily quantity from exit points based on the measurement data read from data log, 5 days after month
- DSO shall send to TSO and network users final daily allocation based on the measurement data read from data log, 10 days after month
- TSO shall send final settlement to network users, 15 days after month
Trading of capacity rights, Guidelines and Regulatory authorities

- **Trading of capacity rights proposal**
  - It should be defined in the Law, Network code and Tariff system
  - Price on secondary market is the same as on primary market
  - TSO will interfere in secondary trade with capacity
  - Principle “Use it or loose it” implementation?

- **Guidelines**
  - Will be defined Network code
  - TSO is responsible for implementation
  - Some provisions will not be possible in first step from technical reasons

- **Regulatory authorities**
  - AERS have not responsibilities as defined in Article 25 of Directive 2003/55/EC
  - AERS can not alone ensure compliance with rules in Regulation 1775/2005
Final remarks

• Regulation 1775/2005 implementation
  • It is important step to create conditions for internal gas market
  • It is sensitive and complicated process
  • Require participation of all stakeholders: MOME, TSO, AERS, gas traders, big consumers etc, which is necessary
  • Via domestic legal framework may be achieved in 2009, but the full implementation dependant on TSO adequate metering and IT infrastructure
  • EC and EU help will be valuable
Thank you for your attention!

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