

ANNEX

GUIDELINES ON

1. **Third party access services,**
 2. **Principles underlying the capacity allocation mechanisms, congestion management procedures and their application in the event of contractual congestion, and**
 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 this information shall be published**
1. Third party access services
 - (1) Transmission system operators shall offer firm and interruptible services down to a minimum period of one day.
 - (2) Harmonised transportation 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.
 - (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 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 on#line screen based capacity booking and confirmation systems and nomination and re#nomination procedures no later than 1 July 2006 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 transportation 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.
 - (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 once a year, by a predetermined deadline, all planned maintenance periods that might affect network users' rights from transportation 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.
2. Principles underlying capacity allocation mechanisms, congestion management procedures and their application in the event of contractual congestion
 - 2.1. Principles underlying capacity allocation mechanisms and congestion management procedures
 - (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.
 - (2) These mechanisms and procedures shall take into account the integrity of the system concerned as well as security of supply.
 - (3) These 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.
 - (4) These mechanisms and procedures shall provide appropriate economic signals for efficient and maximum use of technical capacity and facilitate investment in new infrastructure.
 - (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.
 - (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.

Transmission system operators shall consult network users regarding procedures prior to their implementation and agree them with the regulatory authority.

- 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 this capacity available on the primary market on an interruptible basis via contracts of differing duration, as long as this capacity is not offered by the relevant network user on the secondary market at a reasonable price.
 - (2) Revenues from released interruptible capacity shall be split according to rules laid down or approved by the relevant regulatory authority. These rules shall be compatible with the requirement of an effective and efficient use of the system.

- (3) A reasonable price for released interruptible capacity may be determined by the relevant regulatory authorities taking into account the specific circumstances prevailing.
- (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.
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 this information shall be published
- 3.1. Definition of the technical information necessary for network users to gain effective access to the system

Transmission system operators shall publish at least the following information about their systems and services:

- (a) a detailed and comprehensive description of the different services offered and their charges;
 - (b) the different types of transportation contracts available for these services and, as applicable, the network code and/or the standard conditions outlining the rights and responsibilities of all network users including harmonised transportation contracts and other relevant documents;
 - (c) the harmonised procedures applied when using the transmission system, including the definition of key terms;
 - (d) provisions on capacity allocation, congestion management and anti#hoarding and re#utilisation procedures;
 - (e) the rules applicable for capacity trade on the secondary market vis#à#vis the transmission system operator;
 - (f) 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;
 - (g) a detailed description of the gas system of the transmission system operator indicating all relevant points interconnecting its system with that of other transmission system operators and/or gas infrastructure such as liquefied natural gas (LNG) and infrastructure necessary for providing ancillary services as defined by Article 2(14) of Directive 2003/55/EC;
 - (h) information on gas quality and pressure requirements;
 - (i) the rules applicable for connection to the system operated by the transmission system operator;
 - (j) any information, in a timely manner, on proposed and/or actual changes to the services or conditions, including the items listed in points (a) to (i).
- 3.2. Definition of all relevant points for transparency requirements

Relevant points shall include at least:

- (a) all entry points to a network operated by a transmission system operator;

- (b) the most important exit points and exit zones covering at least 50 % of total exit capacity of the network of a given transmission system operator, including all exit points or exit zones covering more than 2 % of total exit capacity of the network;
 - (c) all points connecting different networks of transmission system operators;
 - (d) all points connecting the network of a transmission system operator with an LNG terminal;
 - (e) all essential points within the network of a given transmission system operator including points connecting to gas hubs. All points are considered essential which, based on experience, are likely to experience physical congestion;
 - (f) 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 2003/55/EC.
- 3.3. Information to be published at all relevant points and the time schedule according to which this information should be published
- (1) At all relevant points, transmission system operators shall publish the following information about the capacity situation down to daily periods on the Internet on a regular/rolling basis and in a user#friendly standardised manner:
 - (a) the maximum technical capacity for flows in both directions,
 - (b) the total contracted and interruptible capacity,
 - (c) the available capacity.
 - (2) For all relevant points, transmission system operators shall publish available capacities for a period of at least 18 months ahead and shall update this information at least every month or more frequently, if new information becomes available.
 - (3) Transmission system operators shall publish daily updates of availability of short#term services (day#ahead and week-ahead) based, *inter alia*, on nominations, prevailing contractual commitments and regular long#term forecasts of available capacities on an annual basis for up to 10 years for all relevant points.
 - (4) Transmission system operators shall publish historical maximum and minimum monthly capacity utilisation rates and annual average flows at all relevant points for the past three years on a rolling basis.
 - (5) Transmission system operators shall keep a daily log of actual aggregated flows for at least three months.
 - (6) Transmission system operators shall keep effective records of all capacity contracts and all other relevant information in relation to calculating and providing access to available capacities, to which relevant national authorities shall have access to fulfil their duties.
 - (7) Transmission system operators shall provide user#friendly instruments for calculating tariffs for the services available and for verifying on#line the capacity available.
 - (8) Where transmission system operators are unable to publish information in accordance with paragraphs 1, 3 and 7, they shall consult with their relevant national authorities and set up an Action Plan for implementation as soon as possible, but not later than 31 December 2006.