

**OPINION OF THE AGENCY FOR THE COOPERATION OF ENERGY  
REGULATORS No 02/2017**

**of 8 February 2017**

**ON THE FIRST UPDATE OF THE MANUAL OF PROCEDURES FOR  
THE ENTSO-E CENTRAL INFORMATION TRANSPARENCY  
PLATFORM**

THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS,

HAVING REGARD to Commission Regulation (EU) No 543/2013 of 14 June 2013 on submission and publication of data in electricity markets and amending Annex I to Regulation (EC) No 714/2009 of the European Parliament and of the Council<sup>1</sup>, and, in particular, Article 5 thereof,

WHEREAS:

- (1) On 21 December 2016, the European Network of Transmission System Operators for Electricity ('ENTSO-E'), with reference to Article 5 of Regulation (EU) No 543/2013, submitted to the Agency for the Cooperation of Energy Regulators (the 'Agency'), for its opinion, the first draft update of the 'Manual of Procedures for the ENTSO-E Central Information Transparency Platform' (the 'MoP') since the go-live of the Platform on 5 January 2015, including an update of separate documents referenced in the MoP. The referenced documents include a 'Detailed Data Descriptions' (DDD) document, a 'Business Requirements Specification' (BRS) document and several implementation guides describing the standards and methods used for the submission and transfer of information.
- (2) Article 5 of Regulation (EU) No 543/2013 tasks the Agency with providing an opinion on the draft MoP submitted by ENTSO-E, before publishing or updating. While Regulation (EU) No 543/2013 does not define specific criteria to be taken into account for the Agency's opinion, points (a) to (d) of the first paragraph of its Article 5 do specify which aspects the draft MoP should address. Therefore, the Agency, in the present opinion, regarded those requirements as the main criteria for the assessment of the changes included in the draft update of the MoP (compared to its previous version).
- (3) Article 4(4) of Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency<sup>2</sup> recognises that publication of inside information, in accordance with Regulation (EC) No 714/2009 or guidelines adopted pursuant to it, constitutes simultaneous, complete and effective public disclosure. To underline this

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<sup>1</sup> OJ L 163, 15.6.2013, p. 1.

<sup>2</sup> OJ L 326, 8.12.2011, p. 1.

regulatory context, the Agency deems it useful to consider, in the present opinion, also the manner in which inside information shall be disclosed on the Central Information Transparency Platform (the ‘Transparency Platform’), as outlined in the 4<sup>th</sup> edition of the Agency’s Guidance on the application of Regulation (EU) No 1227/2011<sup>3</sup>,

**HAS ADOPTED THIS OPINION:**

ENTSO-E’s draft update of the MoP reflects improvements in several aspects of the Transparency Platform and consequently better achieves the objectives of Regulation (EU) No 543/2013.

In particular, it contributes, first, to a better harmonisation and clarity of the published data and, second, to the realisation of a more user-friendly platform in terms of graphical interface, navigation and data download facility. Nevertheless, the Agency’s view is that further improvements in the Transparency Platform, hence in the MoP, will be necessary in the near future, in order fully to achieve the objectives of Regulation (EU) No 543/2013. Some of these improvements are indicated below and more details are provided in Annexes.

As regards the process followed for considering stakeholders’ views during the review of the MoP, ENTSO-E opted for collecting them mainly through the ENTSO-E Transparency User Group (ETUG)<sup>4</sup>, as opposed to a proper public consultation<sup>5</sup>. ENTSO-E considered that this approach would enable an open, transparent and rapid review of the MoP<sup>6</sup>. As regards openness and transparency, the Agency acknowledges the success of the ETUG initiative; however, it considers that transparency would be better served by a public consultation. As regards the speed of the review, the draft updated MoP was submitted with a delay of almost six months compared to the initial planning. The Agency considers that future reviews should benefit from a more efficient planning of the review process, for example by scheduling the review of the most complex data items at an earlier stage.

In terms of structure, the draft update of the MoP consists, as it was the case in the previous version, of a concise ‘basic document’ that refers to more detailed documents (referenced documents). In terms of the scope of the update, the changes mainly affect the ‘basic document’ and two of the reference documents, namely the DDD and BRS documents. Therefore, this Opinion focuses on the changes in these three documents.

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<sup>3</sup>[http://www.acer.europa.eu/remit/Documents/REMIT%20ACER%20Guidance%203rd%20Edition\\_FINAL.pdf](http://www.acer.europa.eu/remit/Documents/REMIT%20ACER%20Guidance%203rd%20Edition_FINAL.pdf)

<sup>4</sup> The ETUG was launched in April 2015 to collect, analyse and prioritise data user issues regarding both the usability and content of the platform, with a view to agree and recommend solutions and action plans for ENTSO-E assessment and possible implementation.

<sup>5</sup> Article 5 of Regulation (EU) No 543/2013 requires that “the ENTSO for Electricity shall develop the manual following open and transparent consultation with stakeholders”. However, the same Regulation is not as explicit when referring to the review of the MoP.

<sup>6</sup> See the minutes of the various 2016 ETUG meetings at <https://www.entsoe.eu/data/entso-e-transparency-platform/User-Group/Pages/default.aspx>

As regards the ‘basic document’, the update mainly affects section 7 “Information for data consumers”, which describes a wider range of download functionalities compared to the previous version of the MoP. In the Agency’s view, the new functionalities represent a significant improvement for the benefit of market participants and other ‘data consumers’. However, the description on how data quality will be assured (section 1.5) remained unchanged. The Agency’s view is that clearer rules on how quality will be guaranteed per data item should be developed and linked to the MoP, e.g. as an annex which is regularly updated.

As regards the DDD document, the update includes the use of standardised and more precise definition in the definitions section and, for a range of data items, amendments to the detailed definitions and to the specification of calculations in the section on “details and format of the submission of data”. In the Agency’s view, the updates in the MoP seem correctly to address some of the main concerns on specific data items raised by a majority of stakeholders<sup>7</sup> since the go-live of the Transparency Platform. This includes the following relevant changes for the data items listed below (the numbers in brackets refer to the relevant articles in Regulation (EU) No 543/2013):

- [12.1.f] on scheduled commercial exchanges: separate publication per time horizon, instead of aggregation in the platform;
- [14.1.d] on forecasts of wind and solar power generation: single forecast replaced by three separate ones;
- [17.1.h] on total imbalance volume per balance time unit: submission with indicator of deficit/surplus and unit of measurement set to MWh;
- [13.1.a] on redispatching: all types of redispatching (internal and cross-border) to be submitted (the threshold for the impact on cross-border capacity does not apply any more) and the energy (MWh) involved in redispatching will be reported instead of the affected cross-border capacity (MW).

The Agency’s view is that, in the future, a number of further changes in the DDD document will be necessary in order to improve the detailed definitions and the specification of calculations related to a number of data items that remain ambiguous and leave room for diverging interpretations by data providers. This includes, but is not limited to, data items related to balancing (section 7) and to the estimation and offer of cross-zonal capacities (section 3.7). More detailed remarks on those data items were provided by the Agency during the review process as further explained in Annex B to this Opinion.

As regards the BRS document, the changes appear to be, in general, consistent with the updates included in the DDD document. However, the consistency between the two documents for the changes on outages of consumption, generation and production units, is less clear. In the BRS document, the changes in sections 11.2, 11.3, 11.7, 11.8, 11.9 and 11.10 refer to the possibility of reporting the available capacity during an outage with a resolution up to the level of market time unit (as opposed to one single value for the whole event). However, the DDD document is not as explicit on whether this possibility exists.

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<sup>7</sup> For instance, during the ETUG meetings held in 2016.

With regard to relevant regulatory interactions between Regulation (EU) No 543/2013, Regulation (EU) No 1227/2011 and Regulation (EU) No 1348/2011, the Agency is aware that several market participants refer to the ENTSO-E transparency website as the address to publish their inside information. If ENTSO-E is to publish inside information on behalf of Market Participants, the following elements should be considered:

- Full alignment with the minimum quality requirements for effective disclosure of inside information detailed in Chapter 7.2.2 of the 4th edition of the ACER Guidance ([https://www.acer-remit.eu/portal/custom-category/remit\\_guidance\\_and\\_recommendations](https://www.acer-remit.eu/portal/custom-category/remit_guidance_and_recommendations));
- Introduction of web-feeds according to Chapter 7 and Annex VII. of the MoP on data reporting ([https://www.acer-remit.eu/portal/custom-category/acer\\_remit\\_reporting\\_user\\_package](https://www.acer-remit.eu/portal/custom-category/acer_remit_reporting_user_package));
- Publication of outages that are lower than 100 MW and other significant corporate or market developments that a reasonable market participant would be likely to use as part of the basis of its decision to enter into a transaction relating to, or to issue an order to trade in, a wholesale energy product, insofar as this information is likely to have a significant effect on the prices of wholesale energy products;
- In case ENTSO-E did not intend the Transparency Platform to act as an inside information platform, this would have to be clearly communicated to the public and ENTSO-E would have to inform its members in order for them to publish inside information on other inside information platforms in order to comply with REMIT obligations.

More specific remarks on details of the MoP's content are listed in the Annexes to this Opinion. Annex A includes additional remarks which ENTSO-E should take into account during the effective implementation of the updated MoP and Annex B includes remarks that ENTSO-E should take into account for future reviews of the MoP.

Done at Ljubljana on 8 February 2017.

For the Agency:

  
Alberto Pototschnig  
Director

## ANNEX A: Remarks to be considered for the effective implementation of the changes to the MoP

### **1. Chapter 1 of the MoP – Introduction and overview**

#### Section 1.5 Data Quality

Section 1.5 does not mention how data quality is being assured, i.e. what validation steps will be taken. Whilst the XML Schema can define strongly typed data delivery, it does not ensure data quality. The Agency's view is that clearer rules on how quality will be guaranteed per data item should be developed and linked to the MoP, e.g. as an annex which is regularly updated.

Additionally, a procedure to address inconsistencies between the MoP and the transparency platform website is missing. These inconsistencies may severely affect data quality. An example of those is provided below (see the Agency's comments on section 7.5 Enquiries – Support and Service Levels regarding the data item "Prices of Procured Balancing Reserves [article 17.1.C]).

### **2. Chapter 3 of the MoP – Detailed Data Descriptions**

Regarding the specific DDD document, the following is to be noted:

#### Section 3.9 Information relating to congestion management measures

The footnote specifies that "*With regards to the internal redispatching, the information pertaining to congestion management measures in self-dispatch systems will be published. The information relating to congestion management measures in central dispatch systems (i.e. Italy, Poland, Greece, Ireland and Northern Ireland) cannot be published because it is not possible to distinguish between balancing and congestion management which are performed simultaneously*". The Agency recommends that this is phrased as a temporary limitation, e.g. by replacing the text underlined in the footnote with the text "until it is possible".

#### Sections 3.3 Information relating to the unavailability of consumption units and 3.11 Information relating to the unavailability of generation and production units

It remains unclear how an outage with varying available capacities during different sub-periods within the same event is to be reported. In particular, it is unclear whether different sub-periods with different values of available capacity (MW) for the same event can be reported – as suggested by some stakeholders<sup>8</sup> – or whether the event needs to be split into several smaller 'events' in order to reflect different values of available capacity (MW). This seems in contradiction with the BRS document, which refers to

<sup>8</sup> As expressed during recent ETUG meetings.

the possibility of reporting the available capacity during an outage with a resolution up to the level of market time unit.

### **3. Chapter 4 of the MoP – Business Requirements Specification**

Regarding the specific BRS document, referred to in the draft MoP, the following is to be noted:

- Line no 571 defines the roles of data users for access rights to the relevant data of the Transparency Platform. Footnote 6 specifies that the role of ‘analysts’ could also be assigned to users from ‘data owners, ACER and other organisations’.
  - This marginal definition of roles does not indicate how the Agency and national regulatory authorities (‘NRAs’) would have access to the relevant data of the Transparency Platform. It is essential to clarify this and to ensure full data access by the Agency and NRAs<sup>9</sup>, with only limitation of editing rights being deprived. An example of relevant data that is not currently accessible to the Agency and NRAs is a list of data providers per data item and per geographical area. Another example is provided below.
  - Section 5.4 aims, among other objectives, to enable the monitoring of data submission. Moreover, article 4.6 of Regulation (EU) No 543/2013 establishes that NRAs shall ensure that the primary owners of the data - TSOs and data providers - comply with their obligations under this Regulation. Therefore, it is crucial that NRAs are granted with access to the relevant data (e.g. configuration on whether a certain value is expected or not and definition of the submission deadlines, referred to in lines 453 and 456 of the BRS document, respectively) that allows them to perform their monitoring duties. Alternatively, ENTSO-E should provide NRAs with a regular report summarising the level of completeness, per geographical area, per data item and per data provider

### **4. Chapter 7 – Information for market participants who use the data**

#### Section 7.2 Website

The section indicates that the transparency platform can also be accessed using mobile devices and tablets. In the Agency’s view, it should be specified whether the website is not only ‘accessible’ but also specifically adapted for access using those devices.

#### Sections 7.3 and 7.4 Direct Data Downloads and Data Subscriptions

These sections and the related documents include a description of a wider range of solutions for the retrieval of data that are made available to the users of the Transparency Platform, which reflects the improvements in this area since the go-live of the Platform.

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<sup>9</sup> For NRAs, full access refers only to data related to the geographical area of their jurisdiction.

In the Agency's view the download functionalities should be complemented with the possibility of retrieving updated information regarding relevant (non-sensitive) "Reference and Master Data", (as suggested by various users of the Platform during recent ETUG meetings). Examples of these "Reference and Master Data" are the list of bidding zones, control areas and borders and the list of generation units, which are not explicitly available to the public yet.

#### Section 7.7 Enquiries – Support and Service Levels

The section refers to the contact information section (which refers to an email address) of the transparency platform website, but does not describe the support and the service levels that will be provided. Among other missing elements, this section fails to describe how potential implementation errors<sup>10</sup> identified by users of the Transparency Platform will be treated.

For example, the Agency (as a user of the platform) has communicated on several occasions and through different channels that the units specified for "Prices of Procured Balancing Reserves [article 17.1.C]" in the Transparency Platform do not correspond with the units specified in the MoP (Currency/MW/period), and that the various data providers (TSOs) are using heterogeneous units for this data item. As long as the use of heterogeneous units remains unsolved, it will jeopardise the comparability of data across TSOs' control areas. This example illustrates the need for describing and implementing a procedure to process users' enquiries.

#### **5. Evaluation document**

Given the fact that the review of the MoP was carried out without launching a public consultation, the Agency recommends that ENTSO-E produces an evaluation document indicating all the comments received (from the Agency and stakeholders) during the review process and how those comments were treated.

#### **6. Calendar for the implementation of the changes included in the review of the MoP**

The Agency recommends that ENTSO-E publishes, together with the review of the MoP, a calendar with the deadlines for the effective implementation of the various changes to the Transparency Platform that are envisaged in the review of the MoP.

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<sup>10</sup> For example discrepancies between the objects described in the MoP and their effective implementation in the transparency platform website

## ANNEX B: Remarks to be considered for future revisions of the MoP

In the Agency's view, the following remarks should be considered by ENTSO-E for future revisions of the MoP:

- The possibility of launching a public consultation in order to increase the openness and transparency of the review process;
- A more efficient planning of the review process, for example by scheduling the review of the most complex data items at an earlier stage, in order to avoid unnecessary delays in the final submission.

Regarding the specific DDD document, future reviews should take into account remarks that were communicated by the Agency at an earlier stage of the review process and remained unanswered; therefore they were not considered for the current review process. This includes, but is not limited to, remarks on sections of the DDD document, including section 3.7 "Information relating to the estimation and offer of cross zonal capacities" and section 3.13 "Balancing data items".

As regards section 3.13, the Agency has identified a number of balancing data items that cannot be compared across different jurisdictions as currently displayed in the Transparency Platform. Some of these comparability issues could be easily addressed by, among other actions, reducing the scope for using different measuring units.

However, ENTSO-E's view<sup>11</sup> is that all changes in the Transparency Platform that relate to balancing data items should await until the implementation of the forthcoming "Electricity Balancing Guidelines". In the Agency's view the standardisation of units and a number of other actions aiming to improve comparability of the various balancing data items are not necessarily linked to the "Electricity Balancing Guidelines" and are unlikely to be in contradiction with them. Therefore, the Agency recommends to identify those improvements that are unlikely to be in conflict with the "Electricity Balancing Guidelines" and implement them without further delay<sup>12</sup>.

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<sup>11</sup> As expressed during recent ETUG meetings.

<sup>12</sup> For example, by initiating as soon as possible a review of the MoP that focuses (only or primarily) on balancing data items.