

III. OTHER PROVISIONS

MINISTRY OF INDUSTRY, TOURISM AND TRADE

1009 *Resolution of 15 December 2008 of the Directorate-General for Energy Policy and Mines, establishing forms for the submission of information from subjects of the natural gas system.*

Law 34/1998 of 7 October 1998 on the Hydrocarbons Sector establishes the bases for the operation of the natural gas system defining the subjects that carry out the different activities.

Law 12/2007 of 2 July 2007 amends Law 34/1998 of 7 October on the Hydrocarbons Sector in order to bring it into line with Directive 2003/55/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in natural gas.

The obligations of legal separation in the liberalised market of the activities of transmission, distribution, regasification or storage on the one hand of the activities of production or supply of natural gas, on the other and the obligation of functional separation implies a redefinition of the activities of the different entities operating in the gas system, so that the new wording of Law 34/1998 of 7 October 1998 on the Hydrocarbons Sector establishes a legal and functional separation from those of the so-called "network activities" from the production and supply activities, leaving both carriers and distributors to carry out the supply activity. In addition, the Act eliminates the tariff system and creates a tariff of last resort to which consumers who are determined may benefit.

On the other hand, Royal Decree 1766/2007 of 28 December 2007 amended Royal Decree 1716/2004 of 23 July 2004 regulating the obligation to maintain minimum natural gas security stocks, diversification of natural gas supplies and the corporation of strategic reserves of petroleum products, adapting it to the new wording of the Law. The aforementioned Royal Decree modifies the number of days of maintenance of minimum natural gas security stocks and their method of calculation.

These regulatory changes, together with the creation of new tolls and charges, the definition of interruptible supplies, the new treatment of self-consumers at the facilities, the need for information for the setting of tariffs and tolls, as well as the statistical needs, make it necessary to update the information on consumption, supplies, stocks and prices of natural gas that is regularly referred to the National Energy Commission, the Corporation of Strategic Reserves of Petroleum Products (CORES) and this Directorate-General.

Article 62.4 of Law 34/1998 of 7 October 1998 provides that entities operating in the gas system must provide the competent administration with the information required, as well as any information on their activities, investments, quality of supply, markets served and provided in the highest detail, prices incurred and passed on, as well as any other information that the competent administration considers appropriate for the performance of its functions.

Article 7(14) of Royal Decree-Law 6/2000 of 23 June 2000 on urgent measures to intensify competition in goods and services markets, which amends Article 100 of Law 34/1998 of 7 October 1998, provides that the inspection, control of the conditions and requirements on security of supply and diversification of supplies regulated in Articles 98 and 99 of Law 34/1998 of 7 October 1998 shall be carried out by CORES, in cases where this competence falls to the General State Administration, which, together with other tasks entrusted to that corporation, requires it to have the necessary information to carry them out.

On the other hand, the National Energy Commission has oversight and inspection functions which require the provision of periodic information by the different parties active in the gas market.

In order to update and unify the information that the subjects operating in the gas system must send to the different bodies, it has been considered necessary to proceed with the preparation of new forms to replace those approved in the Resolution of the Directorate-General for Energy Policy and Mines of 15 July 2002 approving the official forms for the submission of information from subjects operating in the natural gas system.

This decision has been submitted to a report by the National Energy Commission, which has taken into account the allegations made during the hearing procedure conducted through the Hydrocarbons Advisory Council.

In view of the above, this Directorate-General has decided:

First, first. *Forms for the submission of information.*-The forms and instructions for completing the document "Forms for the Referral of Information from the Natural Gas Sector" of 15 December 2008 published at www.mityc.es are approved.

Second. Second. *Hauliers.*- *Carrier* undertakings, as owners of any of the installations considered as points of entry and exit from the national market for natural gas, or liquefied natural gas plants, shall send:

Form 1. Inflows and outlets of natural gas into/from the national market.

Form 2. Commercial balance of LNG by regasification plant and companies.

In addition, those marketing undertakings and direct consumers on the market who enter or exit natural gas by transporting LNG tanks must submit Form 1.

Third. Third. *Underground storage.*-The Technical System Manager in the case of basic underground storage and carriers holding non-basic underground storage shall submit the following forms relating to their facilities:

Form 3. Physical balance of natural gas by underground storage.

Form 4. Commercial balance of natural gas by underground storage and companies.

I'm fourth. *Distributor companies.*-*Distributing* companies, must submit the following form regarding their facilities:

Form 6. Natural gas balance by distributor company.

Fifth. Fifth. *Technical System Manager.*-The Technical System Manager must submit the following forms:

Form 5. Stocks by companies in the Storage for the Commercial operation on the transport network.

Form 7. Physical balance of the natural gas transmission network.

Form 8. Commercial balance of the national natural gas market by companies.

Uh, sixth. *Direct marketers and consumers on the market.*-Commercialisers and direct consumers on the market, for quantities of gas that are not supplied through a marketer, must submit the following forms:

Form 8. Commercial balance of the national natural gas market by companies.

Form 9.a. Transit and entry of natural gas into the national market.

Form 9.b. Transit and exits of natural gas from the domestic market.

Form 10. Stocks of natural gas in the national territory broken down by installation.

Form 11.a. Own minimum natural gas safety stocks at full disposal.

Form 11.b. Minimum natural gas security stocks under leases.
Form 11.c. Minimum natural gas security stocks leased.
Form 12. Transactions of natural gas within the domestic market.
Form 13. Consumption of natural gas on the domestic market.
Form 14. Consumption of natural gas in the national market broken down by province.
Form 15. Interruptible consumption of natural gas on the national market broken down by consumer.

Form 10 must also be completed by the Technical System Manager which will include the amounts computed as the System Residual Balance.

Seventh. *Persons obliged to maintain minimum security stocks.*—The subjects required to maintain minimum natural gas security stocks, according to the legislation in force, must submit the following form:

Form 16. Computable sales/consumers of natural gas for the purpose of maintaining minimum security stocks.

Eighth. *Price information.*—The natural gas marketers shall additionally send the following forms:

Form 17.a. Quarterly average prices of natural gas by consumption band according to Eurostat methodology.

Form 17.b. Consumption and average price of gas billed for electricity generation per toll group.

The forms numbered from 1 to 16 will be sent to the General Directorate of Energy Policy and Mines, to the Corporation of Strategic Reserves of Petroleum Products and to the National Energy Commission.

Forms 17a and 17b shall be sent to the Directorate-General for Energy Policy and Mines and to the National Energy Commission.

Forms 6 and 16 shall be annual. Form 6 must be sent before 1 March of the year following which the information relates. In the case of Form 16, this must be sent by 20 February of each year together with the forms for the January reference month.

The rest of the forms (forms numbered from 1 to 5, 7 to 15, and Form 17.b) must be sent monthly, before the 20th of each month with the information corresponding to the previous month.

Form 17a shall be of a quarterly nature and must be submitted before the 20th of January, April, July and October of each year.

Each of the forms must still be sent in the case where no such operations occurred in the period under consideration, although this should be clarified in the comment sheet and the blank forms submitted. In addition, these forms may not in any case be modified in their structure and form, sending them as they have been established.

If an error is detected in the information submitted, the subject shall send, as soon as possible, a rectification of the forms concerned.

Tenth. *Sending the forms* to the Directorate-General for Energy Policy and Mines will be made exclusively by telematic access to the Virtual Office of the Ministry of Industry, Tourism and Commerce at http://www.mityc.es/es-Es/Servicios/Oficina_virtual/, where the forms will be available in electronic form corresponding to the annexes of this decision, as well as the detailed instructions for the completion of the same, which will be mandatory by the persons obliged to send. An advanced electronic signature corresponding to the person shall be used as an authentication system

assigned officer referred to in paragraph 12 of this Resolution.

In addition, they will be sent to the National Energy Commission and CORES by e-mail with digital signature to the following addresses:

Oil Reserve Corporation: anejogasnatural@cores.es

National Energy Commission: dgasr@cne.es

In the event that these addresses or the form of referral are changed, the bodies concerned shall inform all the subjects concerned.

Eleventh. *Confidentiality.*-All information required of the subjects bound by this Resolution shall be treated with due regard to the confidentiality of information of a commercial nature.

Twelfth. *Designation of the person responsible by the persons required to submit information.*-Each company obliged to submit information by this Resolution shall designate a person responsible for the requested information, for which it shall communicate it, through a writer addressed to the Directorate-General for Energy Policy and Mines, the Corporation of Strategic Reserves of Petroleum Products and the National Energy Commission, within 15 working days of the entry into force of this provision in case it is not already designated.

The above-mentioned letter shall include: name and surname, post, telephone and e-mail number, and postal address of the contact person designated by the reporting company. Any changes affecting the designation of the responsible partner and the reference data shall be communicated in writing.

The information system that is designed within each company and the human and IT resources intended for it must be sufficient to be able to meet the requirements of the Directorate-General for Energy Policy and Mines, in the event of an emergency situation that could lead to the effective application of the provisions of Article 101 of Law 34/1998 on the hydrocarbon sector.

The Directorate-General for Energy Policy and Mines may vary both the forms and the form of referral according to the needs of information or technical requirements. For this purpose, the persons concerned shall be notified and the new forms and instructions for completion shall be published at www.mityc.es.

Thirteenth. *Non-compliance with the obligations.*-In accordance with the provisions of Article 110.f) of Law 34/1998, of October 7, non-compliance with the obligations established in this resolution shall be considered a serious infringement.

Fourteenth. *This Resolution* replaces the Resolution of the Directorate-General for Energy Policy and Mines of 15 July 2002 approving the official forms for the submission of information from subjects operating in the natural gas system.

Fifteenth. *Information relating to the year 2008.*-Before one month after entry for the purposes of this Resolution, the persons required shall submit the completed form 17.a for the two semesters of 2008.

Sixteenth. *Effects.*-This Resolution shall take effect three months after its publication in the Official Gazette of the State.

An appeal may be lodged against this Resolution, within one month, with the Secretary-General of Energy, in accordance with the provisions of Law 4/1999, of 13 January, amending Law 30/1992 of 26 November 1992 on the Legal Regime of Public Administrations and the Common Administrative Procedure, and Law 6/1997 of 14 April 1997 on the Organisation and Functioning of the General Administration of the State.

Madrid, 15 December 2008.-The Director General of Energy Policy and Mines, Jorge Sanz Oliva.