ERRA LEGAL REGULATION WORKING GROUP

ISSUE PAPER

ACCESS AND AVAILABILITY OF UTILITY DATA: THE ENERGY REGULATORY PERSPECTIVE

Submitted by
PIERCE ATWOOD LLP

October 2007

ACCESS AND AVAILABILITY OF UTILITY DATA: THE ENERGY REGULATORY PERSPECTIVE

ERRA LEGAL REGULATION WORKING GROUP

Submitted by:

One Monument Square
Portland, Maine 04101 U.S.A.
+44 1904-426271 (tel)
www.pierceatwood.com
Isabel M. Bjork (ibjork@pierceatwood.com)

October 2007

© ERRA 2007

Prepared for:

ENERGY REGULATORS REGIONAL ASSOCIATION

Köztársaság Tér 7
Budapest 1081, Hungary
Krisztina.kasza@erranet.org
www.erranet.org

October 2007

This publication was made possible through support provided by the Energy and Infrastructure Division of the Bureau of Europe and Eurasia under the terms of its Cooperative Agreement with the National Association of Regulatory Utility Commissioners, No. EE-N-00-99-00001-00. The opinions expressed herein are those of the authors and do not necessarily reflect the views of the U.S. Agency for International Development or the National Association of Regulatory Utility Commissioners.

© ERRA 2007

This publication was co-prepared by the members of ERRA Legal Regulation Working Group:

Mr. Eduard Elezaj (Albania)
Mr. Hamik Amiraghyan (Armenia)
Ms. Marela Jevtovic (Bosnia and Herzegovina)
Ms. Elena Marinova (Bulgaria)
Ms. Loridana Smoljanic (Croatia)
Mr. Margus Kasepalu (Estonia)
Mr. Tamaz Inashvili (Georgia)
Ms. Zsuzsa Portoro (Hungary)
Ms. Galiya Dzholdibayeva (Kazakhstan)
Ms. Aiguly Sultankulova (Kyrgyz Republic)
Ms. Ieva Feldmane (Latvia)
Mr. Virginijus Kanapinskas (Lithuania)
Mr. Evlampie Donos (Moldova)
Mrs. Gan-Erdene Renchin (Mongolia)
Mr. Dragoljub Draskovic (Montenegro)
Mrs. Alicja Tutak (Poland)
Ms. Ana-Maria Stanciulescu (Romania)
Ms. Irina Migunova (Russia)
Mr. Nikola Radovanovic (Serbia)
Ms. Nilufer Senturk (Turkey)
Ms. Viktoria Morozova (Ukraine)
Mr. Mihai Goage (Romania)
Ms. Merita Kostari (Kosovo)

© ERRA 2007

TABLE OF CONTENTS

1. Background ... 1
1.1. Objective ... 1
1.2. Methodology and Scope ... 1
2. Guiding Principles ... 2
2.1. Guidance from the EU ... 2
2.2. Guidance from the United States ... 6
3. ERRA Members: Selected Case Studies ... 8
3.1. Latvia ... 8
3.1.1. The Legislative Framework ... 9
3.1.2. Categories of Data Collected ... 9
3.1.3. Methods of Collecting Data ... 10
3.1.4. Enforcement ... 11
3.1.5. Public Access and Transparency ... 12
3.2. Romania ... 12
3.2.1. The Legislative Framework ... 12
3.2.2. Categories of Data Collected ... 13
3.2.3. Methods of Data Collection ... 13
3.2.4. Enforcement ... 13
3.2.5. Public Access and Transparency ... 13
3.3. Serbia ... 14
3.3.1. The Legislative Framework ... 14
3.3.2. Categories of Data Collected ... 15
3.3.3. Methods of Data Collection ... 16
3.3.4. Enforcement ... 17
3.3.5. Public Access and Transparency ... 17
3.4. Turkey ... 19
3.4.1. The Legislative Framework ... 19
3.4.2. Categories of Data Collected ... 19
3.4.3. Methods of Data Collection ... 20
3.4.4. Enforcement ... 20
3.4.5. Public Access and Transparency ... 20
3.5. Ukraine ... 21
3.5.1. The Legislative Framework ... 21
3.5.2. Categories of Data Collected ... 21
3.5.3. Methods of Data Collection ... 22
3.5.4. Enforcement ... 22
3.5.5. Public Access and Transparency ... 23
4. Analysis and Recommendations ... 23
4.1. The Legislative Framework ... 23
4.2. Categories of Data Collected ... 24
4.3. Methods of Collecting Data ... 25
4.4. Enforcement ... 25
4.5. Public Access and Transparency ... 26
5. Conclusions and Next Steps ... 27

1. Background

This Issue Paper is the product of a year-long exploration by the ERRA Legal Working Group into the regulatory perspective on access and availability of utility data. As described below, many ERRA regulators have faced challenges in fully exercising their duties, in part as a result of insufficient information; and in the EU, the difficulties related to obtaining data and the absence of data transparency have been identified by regulators and the European Commission as some of the most important barriers to competitive market development and customer protection, the twin goals of the energy regulator.

1.1. Objective

The goal of this Paper is to identify the various barriers to data access and availability experienced by ERRA regulators within the context of the legal framework in ERRA countries and internationally, particularly in the European Union. Ideally, regulators would have available to them all utility data, presented in a usable manner, as their core tariff and licensing responsibilities require broad sets of information in order to make fair and accurate assessments. This is particularly true for those regulators with strong monitoring powers, though even among regulators with light monitoring powers, ready and reliable access to information is key to the basic accomplishment of their tasks. As a practical matter, several factors make access and availability challenging, and specific circumstances in each jurisdiction require careful consideration.

This Issue Paper seeks to identify legal requirements and applicable guidelines, highlight the various challenges experienced by ERRA regulators, and offer recommendations as to paths forward. The final section suggests the introduction of criteria on data access and availability to improve regulatory performance.

1.2. Methodology and Scope

The ERRA Legal Working Group initiated this Paper and has requested several rounds of responses. The first round was a six-question survey. After examining the responses received, ERRA determined that elaboration would be useful. The second round sought to expand the first questionnaire and to identify gaps in previously gathered information, while supplying a model answer from one ERRA country (Serbia) to provide a template as to the scope of information sought. Finally, answers provided from Legal Working Group representatives in each ERRA regulatory authority were submitted by ERRA to the respective Chairperson for review, amendment and approval.

All ERRA members were surveyed on this topic, and this Issue Paper incorporates information from all respondents.[1] In the course of gathering responses and revising the

[1] At the time work on this Paper began, the countries listed below comprised ERRA's membership. Since that time, ERRA has voted in some new members. Regulatory authorities surveyed for this Issue Paper are: Albania, Armenia, Bosnia and Herzegovina, Bulgaria, Croatia, Estonia, Georgia, Hungary, Kazakhstan, Kosovo, the Kyrgyz Republic, Latvia, Lithuania, Macedonia, Moldova, Mongolia, Montenegro, Poland,

survey, draft tables and suggested categories for capturing the information in the answers were presented to the Legal Working Group and later the Chairpersons for comments. Two presentations on the progress of this Paper were made to ERRA members, and comments solicited at each stage. The Annex to this Issue Paper includes a set of tables that were developed pursuant to this dialogue and information provided. The survey answers gathered are incorporated in the attached Annex. Final clarifications and updates on data from ERRA members were provided in the early fall of 2007.

2. Guiding Principles

This section looks at some guiding principles from the European Union and the United States in order to put the issue of data access and availability to regulators in context. The examination references existing (and some draft) legislation and noteworthy guidelines, strategies and position papers.

2.1. Guidance from the EU

Directive 2003/54/EC concerning the common rules for the internal market in electricity (the "Electricity Directive") dedicates an article to "right of access" issues, though this language pertains specifically to the unbundling and transparency of accounts. Directive 2003/55/EC concerning the common rules for the internal market in gas (the "Gas Directive") contains a parallel Article (Gas Directive Article 16).[2] Specifically, the Electricity and Gas Directives (also, the "Directives") provide that EU Member States and their designated regulatory authorities shall have right of access to the accounts of electricity undertakings "insofar as necessary to carry out their functions." (Electricity Directive, Art. 18(1).)

The access question turns, then, on the nature of the regulatory functions identified by the EU. Broadly speaking, these are tariff setting and monitoring. Though the majority of EU regulatory authorities also have licensing powers, these are not expressly granted by the Directives. The tariff function tends to bring with it a relatively discrete scope of information needed by the regulator, which the national laws in turn also generally meet or exceed. Similarly, for those regulatory authorities with licensing competence, the information needed is reasonably containable and predictable. For both tariff and licensing roles, an important caveat must be addressed. Where the tariff competence (fixing and/or approving the methodologies and the actual tariffs, per the EU Directives) includes incentive-based regulation, the scope of data needed to confirm and support incentive structures can be quite broad. In the case of licensing competence, where the

(footnote continued)
Romania (then with two regulators, one for gas and one for electricity; these two bodies have since merged), Russia, Serbia, Turkey and Ukraine. Answers were provided by all but Bulgaria.

[2] Hereafter, references to the Electricity Directive and other electricity rules and papers are made, though parallel provisions and principles apply in the gas sector. For the most part, we have opted not to cite to the Gas Directives, gas regulations or position papers both for ease of reader review (given the parallel nature of the articles generally doing so results in unnecessary duplication) and because gas regulation generally is at a much less advanced stage than electricity regulation, and thus the latter offers greater guidance.

regulatory authorities have the power to monitor the performance of their licensees (through the terms and conditions of the licensees themselves or the secondary legislation), so too may the scope of information required be broad. Under both scenarios the type, depth and range of the data sought by the regulatory authority is analogous to that sought to fulfill the monitoring competence, discussed below.

From an information standpoint, the most complex and challenging regulatory competency is monitoring. The Electricity Directive Article 23(1)[3] provides that competent regulatory authorities shall:

> *at least be responsible for ensuring non-discrimination, effective competition and the efficient functioning of the market, monitoring in particular:*
>
> *(a) the rules on the management and allocation of interconnection capacity, in conjunction with the regulatory authority or authorities of those Member States with which interconnection exists;*
>
> *(b) any mechanism to deal with congested capacity within the national electricity system;*
>
> *(c) the time taken by transmission and distribution undertakings to make connections and repairs;*
>
> *(d) the publication of appropriate information by transmission and distribution system operators concerning interconnectors, grid usage and capacity allocation to interested parties, taking into account the need to treat non-aggregated information as commercially confidential;*
>
> *(e) the effective unbundling of accounts…to ensure that there are no cross subsidies between generation, transmission, distribution and supply activities;*
>
> *(f) the terms, conditions and tariffs for connecting new producers of electricity to guarantee that these are objective, transparent and non-discriminatory, in particular taking full account of the costs and benefits of the various renewable energy sources technologies, distributed generation and combined heat and power;*
>
> *(g) the extent to which transmission and distribution system operators fulfill their tasks…*
>
> *(h) the level of transparency and competition.*

Under the EU Directives, then, the mandate for regulatory monitoring has a broad reach. A large range of background information is necessarily required in order to fulfill this mandate.

At the same time, the Directives do not affirmatively give the regulatory authorities open ended access to utility data. As noted above, the Directive pays particular heed to the unbundling and transparency of accounts, specifically providing that regulatory authorities have access to the accounts of electricity undertakings. Moreover, such access

[3] A parallel provision is found in Gas Directive Article 25(1).

is qualified by the clause, "insofar as necessary to carry out their functions." (Electricity Directive Article 18(1).)

Confidentiality is not a reason to restrict regulatory access to information: "Member States and their designated regulatory authorities shall preserve the confidentiality of commercially sensitive information. Member States may provide for the disclosure of such information where this is necessary in order for the regulatory authorities to carry out their functions." (Electricity Directive, Art. 18(2)) In other words, the regulatory authorities should be able to get this information, but may not be able to publish or reveal the information in a public manner.

In terms of publication, the Directives also set forth some requirements to enhance transparency requirements. Regulation 1128 for example, places several requirements on the TSO for publication of material.[4] These were recently enhanced under the Congestion Management Guidelines that serve to amend Regulation 1228. The Regulation requires that the TSOs regularly exchange data and that the same set of data shall be made available to regulatory authorities and to the European Commission upon request.

The European Regulators Group for Electricity and Gas (ERGEG) in its *Good Practice Guidelines* identifies data access as a critical challenge for regulators today. ERGEG list six characteristics of the required data access "throughout the whole value chain of the electric power supply in the liberalized wholesale market: 1) required information (description of the data, including level of aggregation); 2) timing of the publication (requirement for maintaining historical information may require supplement to update information); 3) timeframe (period of time per market unit to which the information refers); 4) key benefits (background information as to the purpose the information will/should serve); 5) information provider (the organization likely to have access to the information); and 6) information source (the organization likely to be the source for that specific information)."[5]

The above referenced characteristics make clear that the question of data access and availability is complex. Beyond the initial identification of the type of information needed, the source and presentation of such data presents difficulties. Data that is aggregated for instance may need to be culled apart; at minimum, the conditions pursuant to which such aggregation is done need to be known in order to make sense of the data. The data must be presented to the regulator in a way that the regulator and its staff can understand and use the data. This fact alone implicates cost issues. How much can the regulator dedicate in terms of effort, time and expenses to following up on data provided? How much does the data provider need to do to make the data understandable and responsive to the regulator (and what is the degree of resources that it needs to spend)?

---

[4] Regulation (EC) No 1228/2003 of the European Parliament and of the Council of the European Union, effective from 1 July 2004, available at http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_233/l_23320040702en00030004.pdf

[5] This document can be found at www.ergeg.org. http://www.ergeg.org/portal/page/portal/ERGEG_HOME/ERGEG_PC/ARCHIVE1/GGP_Transparency/ERGEG_GGPIMT_2006-08-02.pdf

Moreover, the simple right of access to data says nothing about the owner and source of the data. The regulator must know which entity is best suited to have the data, and then must have the ability to get the data from that entity.

Perhaps most challenging is how to ensure that the regulatory authority can actually go after an entity that refuses to provide data, or, as is more often the case, provides inadequate or incomplete data. ERGEG, in its paper on the Compatibility of Legal Conditions (6 December 2006) suggests that regulatory authorities need to be empowered to "require information and data relating to the electricity (and gas) market from all market participants in order to be able to monitor orderly market functioning, and to retain the legal right to pass such data to relevant national and EU competition authorities, where a competition is being conducted."[6]

The European Commission issued a third legislative energy package on 19 September 2007. This package offers a series of draft legislation, primarily offered as amendments to the existing Electricity and Gas Directives. The package is a proposal only and is currently out for public consultation; thus, we do not explore its provisions in depth here, as they are subject to change. Nonetheless, a brief exploration into the direction of the European Commission's proposal is useful in order to gauge future priorities and existing concerns.

With respect to the issues set forth in this Paper, the increased focus in the third legislative energy package on transparency is particularly illuminating, as is the support for enhanced regulatory competencies. The absence of transparency in the EU internal market (in electricity and gas) has been viewed for some time as a significant barrier to open and fair competition in the EU. The new package goes farther, extending the transparency requirements to new areas (e.g., gas stocks, forecasts of demand and supply, costs for balancing the network and trading), and by emphasizing the need for regulatory control over the implementation of transparency in the market: "The correct and full application of these requirements needs to be controlled and monitored by the national regulatory authorities, so their powers need to be strengthened accordingly."[7]

In sum, the EU guidance reveals an emphasis on the regulatory role in relation to data access and availability. Not only must the regulators have the information they need to fulfill their regulatory mandates, but those very mandates are enlarging. So too is the place of the regulator evolving: the Commission is now looking at the regulatory authority to track and enforce transparency requirements placed on other sector actors, most notably the system operators.

---

[6] European Regulators' Group for Electricity and Gas, *Compatibility of National Legal Conditions Concerning Regulatory Competences*, p. 22, 6 December 2006, available at http://www.ergeg.org/portal/page/portal/ERGEG_HOME/ERGEG_DOCS/ERGEG_DOCUMENTS_NEW/ELECTRICITY_FOCUS_GROUP/E06-REM-08-03_CompatibilityNatlCond_2006-12-06.pdf

[7] Commission of the European Communities, *Explanatory Memorandum of the Third Energy Package*, p. 16, 19 September 2007, available at http://ec.europa.eu/energy/electricity/package_2007/doc/2007_09_19_ explanatory_memorandum_en.pdf)

2.2. Guidance from the United States

In the United States, the Federal Energy Regulatory Commission (FERC) requires the major electric utilities it regulates to submit FERC Form No. 1 on an annual basis.[8] Form No. 1 requires utilities to provide detailed information on 1) corporate status; 2) income and business activities; and 3) operations. Corporate status has to do with place and manner of incorporation, as well as who controls the utility. Income and business activities have to do with earnings, debt and cash flow, sales and purchases, stock, deferred income, and other related accounting issues. The most interesting part of Form No. 1 for our purposes is its third component, which focuses on what the utility is actually doing, thus revealing important market data: information regarding operations, specifically meaning the transmission of electricity, generating plant statistics, research and development, facilities in use and facilities under construction. Form No. 1 is a lengthy 100-page plus document, and the above offers only a short summary of the information FERC requires entities to submit.

The federated system in the United States means that the ability of state regulators to access data is dependent on the extent of the authority granted to the regulator by the state government (of which there are 50). In other words, one must look to individual state legislation in order to determine the legal framework by which regulatory access and availability to data are governed. So too, there may be differences in reporting requirements under FERC and state laws based on the size of the enterprise in question. As a general rule, the greater the impact on the public, the more substantial the reporting requirements and need for information access.

This Paper profiles one state as an example of how these issues are addressed within state legislation. Input offered herein draws upon work by Steve Gaw, a Commissioner in the Missouri regulatory authority.[9] In Missouri, the regulatory authority has jurisdiction over retail (end-user) rates charged by vertically integrated utilities. As a consequence, jurisdiction of the regulatory authority extends to transmission, generation and distribution functions.

In Missouri, the regulatory authority has jurisdiction to: prescribe uniform methods of keeping accounts, records and books; examine persons and corporations under its supervision; require the filing of annual reports; enter and inspect buildings; examine accounts, books, records, contracts and other documents; compel the production of documents; compel the taking of testimony under oath; compel public schedules and showing rates and charges made and established; and access information of unregulated businesses of the regulated company or its affiliates as relevant to the apportionment of expenses between the regulated and non-regulated. (Section 393.140 Missouri Revised Statutes, 2000.) This jurisdiction is made possible only by use of a strong enforcement

[8] Form No. 1 is available at http://www ferc.gov/docs-filing/eforms/form-1/form-1.pdf.

[9] Gaw, Steve, *Data Access Experience in Missouri*, for the Energy Regulators Regional Association (ERRA), March 2007.

arm for the regulatory authority. Failure of the utility to comply with lawful requests for information can result in fines, criminal penalties or court powers.

Specific methods by which the regulatory authority in Missouri may access information include: uniform system of accounts (setting forth a consistent manner for accounting/record keeping); audits (financial, depreciation studies decommissioning fund, quality of service, management audits, integrated resource planning); annual reports; investigations; data requests; and inspection of records. With respect in particular to the last three, the regulator has broad authority to compel information and testimony, to demand answers to ad hoc questions (by which answers must be provided within 20 days and objections to requests made within a mere 10 days).

Information the Missouri regulatory authority needs to fulfill its mandate may be held by the regulated utility or its affiliates, or indeed by other entities not subject to the supervision of the regulator. The regulator may access some records of entities in other states, though there are some constitutional limits to doing so. Restrictions however are reasonable and adequate, having to do with the extent of presence or contact in the other jurisdiction to warrant the reach. To get the information, assuming it is not forthcoming through the standard request procedures, the Missouri regulatory authority may use formal trial tools, such as depositions and subpoenas. Less formally, it coordinates with other regulators (Federal and State) on issues of harmonization and compatibility of disclosure requirements. Where regional wholesale markets exists, markets can provide valuable information about whether the utility should be selling or buying excess electricity and the price that it should be receiving or paying for such electricity. Actions of the regulatory are subject to review by the courts for lawfulness.

A statutory presumption that information is public exists in Missouri. This means that, unless covered by an exception, the information is deemed open and available to all. Information regarding cases before the regulatory authority is available through the internet pursuant to the Commission's Electronic Filing Information System, which contains all non-confidential filings, testimony, transcripts, exhibits, orders and tariffs. The question of confidentiality however presents some conundrums. Another legal provision indicates that the information is not public unless made so by the regulator.[10] In practice, this means that the regulator votes on releasing information, after notice to the parties and providing a short time frame within which these parties can object. A finding by the regulatory authority that the information in question is highly confidential or proprietary means that disclosure is restricted, usually to the parties in a pending matter.

In sum, the model presented here is one involving significant regulatory oversight and interference. While it must be recalled that the other 49 states in the United States have a different set of rules, the majority of states do have, like Missouri, strong enforcement powers that mirror court authority. The regulatory authority thus is able to extend a

[10] Section 386.480, Missouri Revised Statutes – Public Service Commission, available at http://www.moga.state.mo.us/statutes/C300-399/3860000380 htm.

heavy, legislatively sanctioned reach into the utilities and generally can receive the information it needs. At the same time, the regulatory framework incorporates flexibility and discretion, to address differences in size, impact and the like.

The challenge is to find the right balance between establishment and execution of formidable rules and flexibility needed to address individual situations, while giving the energy enterprises sufficient clarity, predictability and security that the regulatory authority cannot act without check. Another challenge is presented by resources. The ability of a regulatory authority to use energy enterprise information adequately has less to do with the legal framework (legislative and implementation) than it has to do with the regulatory authority's resources, specifically its own ability to interpret and use the data to fulfill its regulatory mandate.

3. ERRA Members: Selected Case Studies

For this Paper, all 2007 ERRA members were surveyed, and all but one participated in the questionnaire and answer requests.[11] We review the status of information access and available among all ERRA members in this Paper, with an emphasis on selected ERRA members that offered the most comprehensive data and represent different geographic regions. The countries selected for case study are: Latvia, Romania, Serbia, Turkey and Ukraine, though all ERRA members are considered and answers from all are provided in the attached Annex. In particular, this section identifies key aspects of similarities and differences across ERRA members.

Generally speaking, most ERRA members have access to data through the legislative framework, though some frameworks leave room for dispute regarding the reach of such powers. Confidentiality poses not so much a problem for regulatory access as for limits on public access, though some regulatory authorities are unable to make their own determinations regarding the confidentiality designation and thus some limits on public access are made by the companies and not the regulator. Templates and reporting forms are used by some ERRA members, and this appears to be one of the most successful methods for a regulatory authority to get the information it requires, in a form that is useful and not overwhelming or misleading.

3.1. Latvia

Latvia offers an interesting place to begin as its regulator is a long time ERRA member and also subject to EU legislation as an EU Member country.

[11] We treat the two Romanian regulatory authorities as one ERRA member, though separate answers are provided in the Annex to show differences in application of these issues with respect to gas and electricity. At the initial stages of this questionnaire, the gas authority was an associate member; today, the two regulatory authorities have merged and are treated as one.

3.1.1. The Legislative Framework

As in most regulatory authorities, the data access and availability question is addressed in primary and secondary legislation. Also like many other ERRA member countries, the primary legislation includes energy legislation and legislation outside the energy sector, here, the Law on Annual Accounts of Undertaking and the Commercial Law.

Latvia, however, is one of a handful of countries with secondary legislation dedicated only to the question of the manner, processes and procedures by which the regulatory authority accesses data. Specifically, Latvia has regulations on the order in which and how service providers hand over information to the regulatory authority.

Examples of other countries with similarly targeted secondary legislation include: Croatia (Rulebook on Conditions for Carrying out Energy Activities, Official Gazette #06/03 and 94/05); and Lithuania (Rules for Licensed Energetic Entities on Providing Information (2006)). Kazakhstan and the Kyrgyz Republic have secondary legislation that govern the distinct methods (e.g., reporting form, annual reports, petitions for reorganization) by which the entities provide the regulatory authority with information. In the majority of the remaining countries, provisions regarding information access and availability to the regulator are part of broader rules on, for instance, substantive areas of licensing and tariff setting, or procedural rules on, for instance, record keeping, hearings or general statutes.

3.1.2. Categories of Data Collected

Latvia breaks down the categories of data collected by type of entity involved, noting that such data is collected in order to fulfill the regulatory authority's monitoring obligations. Croatia, Georgia and Russia similarly distinguish the types of data they require by type of activity pursued; other ERRA members, such as Macedonia, make such distinctions through the terms and conditions of licenses.

In Latvia, several data requirements attach to all types of entities, while others are distinct to the system operators (and some in turn distinct to only the transmission system operator (TSO), traders and generators/producers. For all licensed entities, the Latvian regulatory authority requires: an annual account; summaries of all complaints received from users about given social services (including the number, character and outcomes); the balance sheet (profit and loss account and cash flow statement); and plan of steps taken and projected to fulfill environmental obligations. In supplement to these, the regulatory authority requires of the system operators: investment plans and reports on the fulfillment of any investment plan from the previous year; a report on the technical and operative indexes and the amount of electrical transmission; and a report and plan regarding service quality. Additionally, the TSO is required to submit a report about any activities undertaken to prevent discrimination against system users; and a report regarding transmission system supply and consumption, along with a ten year demand estimate. For traders, the basic information obligations are supplemented by a requirement to submit to the regulatory authority reports regarding end tariffs, electrical

supply quality and amount. Generators must submit to the regulatory authority investment plans and reports, an annual report, and a report regarding technical and operative indicators. Additionally, the regulatory authority may receive, within a designated time frame, other information it deems necessary. Russia similarly divides the type of data received by the kind of activity performed.

Data provided to the regulatory authority for the purpose of license application is fairly typical of similar license application requirements from other ERRA jurisdictions. It includes: registration certificate; certification of the qualification of employees; permits issued by the environmental board; previous annual reports; proof of good tax standing; description of geographic territory to be covered by the activity; proof of ownership rights; and information regarding the technical character of the requested, regulated service.

3.1.3. Methods of Collecting Data

The Latvian regulatory authority relies heavily on reporting forms for information. Such forms are submitted quarterly, in the case of complaint summaries, traders' reports regarding income from end tariffs, and other areas subject to monitoring (per the above list of required data). Annual reports are also required, and these include information on the annual accounts of undertakings, the balance sheet, the profit or loss account and cash flow statement, the plan of activities relating to environmental protection and obligations, investment plan and the like. The Latvian authority does conduct hearings, but uses these primarily for tariff setting. It may, for instance, invite representatives of the relevant provider of services to explain the basis for draft tariffs, with follow up written corroborating information required.

The Latvian authority also may request additional information as needed to fulfill its functions. It does so usually through a formal letter. It may also carry out the inspection and controls required for the performance of the public utilities' regulatory functions, as well as to ensure access to equipment and measuring instruments and adherence to safety requirements.

Compare these active methods of data collection with the case of Estonia. The regulatory authority in Estonia uses no special reporting forms except forms for the approval of prices, which are elaborated by the regulatory authority to accelerate processes and help companies and are published on the regulatory authority's website. The Estonian authority does not collect annual reports, though annual reports of the utilities are available publicly in the commercial register and on the utility websites. Public hearings are not used. Instead the Estonian regulator relies on its powers to access the data it needs to perform its functions through individual requests and standard questions regarding quality, price and non-discrimination. In Lithuania, the regulatory authority's ability to collect data has been enhanced by the 2006 Rules for Licensed Energetic Entities on Providing Information, which have enabled the regulatory authority to put together and systematize all data requirements. The Lithuanian authority relies primarily on such rule based requirements and ad hoc requests.

Like Latvia, other EU ERRA members appear to use data collection methods proactively. The HEO in Hungary, for instance, collects daily, monthly, quarterly and yearly data from all licensees regarding their market activities. The HEO also collects detailed information regarding the licensees' annual activities and winter gas supply benchmarking. It uses reporting forms that it designs to collect the needed information. A public hearing is permissible by law but has never been used. Like Hungary, Poland relies on reporting forms created by its regulator to make the data presentation easier, though the entities have the option of supplying the information in another manner. Public hearings are not used.

3.1.4. Enforcement

In the case of a licensee refusing to submit information or submitting incorrect information, administrative penalties may be applied, pursuant to provisions in the Latvian Administrative Violence Code (ranging from a notice to a fine of up to 15,000 Euros). The Latvian authority can initiate an administrative case against the utility, only after providing notice, additional time to the utility to respond and correct information. In practice, the enterprises have never refused to provide information, though the Latvian authority has experienced instances where the utilities have supplied insufficient or inadequate information, or have challenged what type of information should be deemed confidential. The Latvian regulator reports that the existing enforcement mechanisms are effective and preventative.

Lithuania also uses a system of administrative fines, though the range of monetary penalty is smaller: 434 Euros is the maximum amount allowed. The regulatory authority has suffered data access refusals from utilities. In some cases, the utilities refused on the grounds of some conflict in the laws, in particular the Rules on Licensing, which specify the requirement to turn over information regarding contracts, but do not set forth additional criteria (this has now changed with the 2006 Rules mentioned above). The most common refusal relates to financial statements and audit of expenditures. The Lithuanian regulator uses informal methods to access the requested data prior to seeking administrative penalties. Unfortunately, it has found that the informal mechanisms are seldom effective, and the same infringements occur year after year. Despite the fact that the administrative fines are quite low, these fines are still more effective than the informal routes the regulatory authority has taken. The Lithuanian regulator posits that one reason for the effectiveness may be that an individual rather than the entity is fined, so that the director of the utility must personally pay the fine.

In Poland the regulatory authority may issue fines directly and has done so successfully in cases of data refusal, though more often it requests revision or correction of data supplied. The amount of a potential fine may not exceed 15 percent of the revenue of the enterprise. Hungary's regulatory authority also imposes fines, pursuant to a resolution it may issue. So too may it issue resolutions to warn the licensee in writing, with reference to the legal consequences, and modify or withdraw a license. The HEO uses penalties on occasion, and limits the use of more severe penalties to cases of repeated delay in

obtaining information. As a general matter, license withdrawal is a recourse available to most regulatory authorities, though as a practical matter such withdrawal is used rarely, if at all, as this penalty tends to unduly hurt the customer and the market.

3.1.5. Public Access and Transparency

The Latvian regulator is empowered to collect data irrespective of whether the regulated utility declares such data confidential. Commercial law in concert with internal orders issued by the regulatory authority define how to label and restrict from publication confidential information. Indeed the regulatory authority in Latvia has no role in making data public. Instead, primary energy legislation requires that certain company information is published, specifically, the company balance sheet, profit and loss and cash flow statements.

By contrast, in Lithuania, though the regulator is given access to all data by law, it is not responsible for declaring what data amounts to confidential or business secret information. Moreover, the regulatory authority is required to make data received pursuant to formal requests public, though it may not publish information identified as confidential. A similar system applies in Hungary, though the HEO is authorized to decide whether a designation of confidentiality by a regulated utility is justified. Hungary also has distinct rules regarding the timeline by which the HEO must make company data public.

3.2. Romania

Since the commencement of work for this Paper, Romania's electricity and gas authorities have merged, with the gas authority becoming part of the electricity authority and a reorganization of the board and management structure. We focus here primarily on the electricity authority answers, but note where different treatment is reported by the gas authority.

3.2.1. The Legislative Framework

Romania relies on a combination of primary and secondary legislation for the rules that govern information access and availability to the regulatory authority. While the Energy Law and the Gas Law include provisions relevant to the data question, more general laws are also implicated, such as the Law on Free Access to Information of Public Interest, the Law on Classified Information Protection and supporting Government Decision. The licensing rules, commercial code and tariff methodologies also contain relevant provisions. At the time the survey answers were finalized, the regulatory authority, ANRE, expected an imminent decision regarding the regime of public and confidential data it manages. The former gas authority identified no such pending legislation and indeed noted an absence of secondary legislation on data access and public availability.

3.2.2. Categories of Data Collected

ANRE reports that its licensees must submit technical and financial reports based on the Financial Reporting Procedure and Performance Reporting Procedure issued by ANRE. In addition, companies must submit to ANRE all information used in the process of drafting a proposal for regulated prices and tariffs. For the most part, such data relates to costs and incomes, balance sheets, network length, numbers of transformers or other technical data. ANRE also has extensive monitoring powers and methodologies on market monitoring including provisions regarding the scope of data that ANRE may collect from companies based on these powers.

Romania's former gas authority reported that it collects data when it approves prices and establishes regulated tariffs for a specific distributor, transporter or supplier. Specifically, it gathers: (1) the balance sheet; (2) consumption forecast; (3) operative expenditures forecast; (4) tangible asset data; (5) invoices for purchasing natural gas; and (6) invoices for paying the services.

3.2.3. Methods of Data Collection

Both the electricity and the former gas authorities indicate reliance on forms to collect data. In addition, both indicate use of hearings where useful (for the electricity authority, this means during license granting procedures and when addressing pre-contractual disputes pursuant to mediation by the regulatory authority) and ad hoc requests. ANRE states that such supplemental requests for information may arise from complaints, or from its control/monitoring role.

3.2.4. Enforcement

The Electricity Law provides that failing to send data and information required by ANRE, or the provision of inadequate information, amounts to a violation of the law sufficient to enforce penalties. In practice, while the gas regulatory authority did not experience violations, the electricity authority (with the relatively higher requirements for data) has suffered refusal by a supplier to disclose the price from a contract negotiated with eligible customers, and inaccurate or incomplete data needed for tariff setting. ANRE has found penalties sufficient to avoid repeat offences.

3.2.5. Public Access and Transparency

ANRE and the former gas authority have the power to request and collect data, even that which is determined to be confidential by companies. ANRE has the right to contest any such confidentiality designation by the companies, relying on interpretation of the definitions and provisions regarding business secrets set forth in law. ANRE is responsible for the public availability of all documents relating to license issuance (and construction authorization), amendment, suspension or withdrawal. It publishes annual reports on its activity and on the development and functioning of the electricity market.

Exceptions are documents containing state secret data, confidential data or data liable to endanger or prevent an investment underway.

3.3. Serbia

3.3.1. The Legislative Framework

The Energy Law, along with two laws of general application (the Law on Free Access to Information of Public Interest and the Law on Commercial Entities), provides legal support for the regulatory authority to collect data from energy companies. The Licensing Code, the Data Request Templates, issued by the Energy Agency of the Republic of Serbia (the Agency or AERS), and the Statutes of the Agency offer additional support. The Licensing Code addresses only the public availability of data contained in the Register of issues, suspended or revoked licenses. The Statute of the Agency offers the general framework for transparency of work in the Agency, specifically addressing the material that it makes available to the public.

With respect to data that is to be collected from the licensees for monitoring purposes, the Energy Law of the Republic of Serbia provides the general framework for data collection by the Agency:

> *"The Agency is authorized to request from energy entities data and documents necessary for conducting its activities stipulated by this Law. Energy entities are obliged to deliver this data to the Agency within eight days from the date of request for data submission."*

The primary legislation in Kosovo similarly provides generally that its regulatory authority has the right to require from any energy enterprise or public authority information, data and documents, including confidential information, necessary to the fulfilment of its functions, duties and powers. In Mongolia, the Energy Law generally provides the regulatory authority with the power to collect data from the licensees for monitoring purposes: "the regulatory authority shall have full power to establish a database of technical and economic information and information on licensed activities; to obtain relevant information from licensees" and "The licensees shall have the obligation to provide accurate information required by the licensor necessary to evaluate technical and economic performance of the licensee, on a timely basis." To understand what such broad language means, it is necessary to examine the activities assigned by law to the regulator.

The Serbian Energy Law empowers AERS to pass tariff systems for electricity and natural gas for tariff customers and for access and use of the grid; to establish the methodology for defining tariff elements for electricity, natural gas and production of heat in co-generating plants, for determining costs of connection to the grid; to issue licenses for conducting energy-related activities; to decide complaints regarding the denial of third party access, connection to the grid or natural gas storage; to define eligible customer status (i.e. the threshold, in terms of annual consumption, for obtaining

this status) and keep the register of eligible customers; to monitor implementation of tariff systems; to collect and process data on energy entities with reference to performing energy-related activities; to monitor the behaviour of energy entities regarding separation of accounts; and protection of customers. The Energy Law also gives AERS responsibility to ensure that the conditions required for granting of a license continue to be met for the duration of the license and sets forth the grounds upon which suspension and temporary suspension, for failure to meet these criteria, may be imposed.

3.3.2. Categories of Data Collected

License applicants must submit various data to the Agency, pursuant to the License Code issued by the Minister of Mining and Energy. Such information includes: an extract from the domestic Registration Agency which proves that the applicant is registered for conducting the relevant energy activity and the act by which the applicant was established; reports from the relevant inspectorates by which the applicant is to prove that he has the required professional staff for conducting the energy activity concerned, that his energy facilities fulfill all the conditions prescribed in technical regulation, regulation on environmental protection, regulation on energy efficiency, and regulation on protection from fire and explosion. The relevant inspectorates are internal organizational units within the competent ministries. In addition, the license applicant must submit to the Agency: confirmation from the commercial bank of the applicant that it has the necessary financial funds for conducting the relevant energy activity or that such funds could be obtained; a balance sheet for the previous two years of operation (or less if the applicant has been operating for a shorter period) or the initial balance sheet for new companies (a Financial or Business Plan are requested for companies that have just been established, i.e. that are about to start operation); a document on the solvency of the applicant (issued by the Solvency Center of the National Bank of Serbia) issued in accordance with the law; and proof that the management of the applicant has not been lawfully convicted for criminal acts pertaining to the performance of economic activity.

The importance of proof of registration, inspectorate certifications and other formal documents from entities other than the energy regulator is mirrored in other ERRA country license application requirements, such as those in Croatia, the Kyrgyz Republic and Romania.

In addition to the general requirement, articulated above, that the licensees must submit data to the Agency that it meets licensing criteria, the Agency templates include various technical parameters, for which data is required. For electricity generation, these include, among others: basic technical data (such as nominal power per generating unit and nominal power at the grid entry point, technical minimum of a generating unit, self-consumption, basic fuel, subsidiary fuel, level of emissions (CO2, SO2, particles, etc.); planned and accomplished production – given by generating unit, maximum and minimum power per generating unit at grid entry point, production of electricity at generating unit level production of heat if applicable and so forth.

While AERS decides on the suspension or revocation of a license, with respect to most technical criteria, AERS acts only upon the proposal of competent inspectors. Such inspectors have a monitoring role and can propose temporary license suspension, though AERS may initiate monitoring to be conducted by the inspectors. With respect to criteria that does not fall directly into technical categories, such as funding levels, sanctions or pricing of services, the AERS has a proactive monitoring role. AERS has developed technical data templates to collect information that it needs to fulfill its monitoring role.

3.3.3. Methods of Data Collection

The Energy Law authorizes the AERS to issue recommendations, instructions, guidelines and other general acts for the purpose of conducting its activities. The AERS opted to pass a series of data request templates for each licensed activity. These requests clarify what data and documents should be submitted to the Agency for monitoring purposes, and the dynamics of such data collection. These templates were adopted by the Agency and are available on the AERS website (http://www.aers.org.yu/Index1.asp?a=36) in the Serbian language only at this time. At the time of gathering answers to the survey for this Paper, AERS was in its first reporting period.

To increase the efficient collection of data, the data templates set out the categories of data that AERS knows (at this time) it will need for performing its tasks. AERS can follow up, at its discretion, with additional requests on an as needed basis. The templates cover three timelines: most of the data is requested on an annual basis, some is semi-annual, and some is dependant on the filing of a request for changing the prices (the last is mainly used in the natural gas sector). The economic data templates include data related to: maximum allowed revenue; allocation of the maximum allowed revenue on tariff items; keys for allocation of common costs, assets and revenues; operating costs; weighted average cost of capital; structure of sources of financing; assets; losses; other revenues; investment plan; staff; environmental protection; revenues from connection; revenues from performing a specific energy activity (of course some of the data requests differ depending on whether the specific activity that is performed requires energy facilities, i.e. infrastructure or not).

The AERS has considered the adoption of Regulatory Accounting Guidelines but has opted to postpone their adoption. It reports seeking information regarding how this reporting period progresses prior to adopting accounting guidelines that would increase the burdens on companies and possibly comprise AERS' ability to gather data through the new templates.

The regulatory authority in Kosovo has developed a Manual of Reporting for all forms of annual and quarterly reports. It has also passed regulatory accounting guidelines. In 2007, the regulatory authority in Croatia adopted regulatory accounting templates, which must be submitted by the licensed authorities (in the gas and district heating sector) and sent to the regulatory authority annually. In Macedonia, template reporting forms (with tables and questions) are specified for all types of licenses and includes in the license issued by the regulatory authority. In Bosnia and Herzegovina, the state regulator has

developed a number of reporting forms by which it primarily collects technical data on a daily and monthly basis, in hardcopy and electronically.

3.3.4. Enforcement

For the first reporting period, the Agency has found that licensees have been active in providing the necessary data in line with the reporting forms it has developed. All data that has been assessed as inadequate, i.e., not in line with the reporting forms, has been corrected in a two-way communication between the licensees and the relevant AERS experts, the result being the abolishment of all inadequate data.

The inadequacies and other shortcomings of data requested for the purpose of issuing a license have been resolved in line with the administrative procedures conducted pursuant to the Law on General Administrative Procedure. This means that the license applicants have been informed (some on more than one occasion) in writing on the deficiencies of their application and data supplied, and given a procedural deadline for making the necessary corrections. Ultimately, such applicants have either provided the requested data in the form supplied by the regulator or have opted to revoke their application. Croatia reports a similar experience. The regulatory authority in Croatia states that no refusals of data have taken place, but that energy undertakings that provide inadequate data have been asked to correct the inadequacy within a certain time period, in accordance with the Law on General Administrative Procedure. The latter approach has resulted either in provision of requested data, or revocation of an application where the insufficiency related to license application and was not remedied within the allotted time period.

In the event that information requested by AERS is not disclosed to AERS as requested, AERS may seek recourse as provided in the Energy Law. This Law specifies that such nondisclosure constitutes a misdemeanor punishable within a range of 125 to 1250 Euros per infringement. Because fines are defined per infringement, the fines can pile up so that a significant amount of penalties may be imposed in certain cases. As a general matter, the misdemeanor courts are sufficiently prompt for this type of penalty to have teeth. Also, potentially, if such a refusal would be deemed as a significant breach of the licensing conditions, a procedure for suspension of a license could be initiated by AERS. No difficulties in collecting data have been encountered at this stage, though on this point it is important to note that the process itself is relatively new. The “soft approach” (two-way communication between AERS experts and the licensees) has been successful and no other measures have been applied so far.

3.3.5. Public Access and Transparency

A clear distinction exists between the data that the Register of Issued, Suspended and Revoked Licenses contains and all other data (including the data that the Agency will collect for monitoring purposes). With respect to data contained in the Register of Issued, Suspended and Revoked Licenses (which is kept by the Agency), the License Code explicitly states that the Register is public, while Article 21 stipulates that the data

is made available at the premises of the Agency and that it could be made available in an electronic or in another appropriate manner (e.g., through the website of the Agency).

The Energy Law stipulates in that AERS has the right to all company data it requires, but is obliged to keep as confidential commercial and other confidential business data submitted to it for performing tasks within its competence. A separate Law on Commercial Entities covers the issue of confidential information, i.e., the obligation to preserve the confidentiality of a business secret. It defines such information as:

> *Information on operations of a company determined by company's Articles of Association, company agreement or by-laws, which would obviously result in significant damage to a company if known by a third party are considered to be business secrets.*

It further provides that:

> *Information which is required to be disclosed by law or relates to violation of laws, good business practices and principles of business ethics, including information which is grounds for suspicion of corruption, will not be regarded as business secrets. Disclosure of such information is legal if its purpose is to protect the public interests.*

Legislation in the Kyrgyz Republic similarly defines what constitutes a commercial secret and lays out what does not fall under such category.

In Serbia, the companies are free to label certain data as a business secret, but must do so on the ground that damage to the company would result if such information become known to a third party. In general, such designation presents no problem for AERS as the law gives AERS the right to request any information it deems necessary to perform its tasks stipulated in the Energy Law. The limitation is on the AERS with respect to publication of such data and can present an obstacle in this respect, but is not an obstacle with respect to AERS' receipt of such data.

Given the vast freedom of the companies to determine what is to be considered a business secret, if AERS determines that a company has incorrectly designated something a business secret, it has two recourses. First, AERS could proceed with the disclosure of such information and justify the public disclosure on the grounds of protection of public interest in line with provisions in the Law on Commercial Entities (and possibly face an action for restitution of damages filed by the company). Second, AERS could initiate a procedure before the Constitutional Court of the Republic of Serbia in order to annul the part of the company's act regulating the business secret on grounds of illegality (noncompliance with the law). The Agency reports that the latter is a lengthy but reasonable recourse where necessary.

In Albania, the legal framework provides similar rules regarding the release of data. The Law on the right of information on the official documents provides that all persons have

the right to access, within 40 days from the date of request, the files and registers of the public administration except for the documentation classified as state secret. The Albanian regulatory authority notes that it defers to companies to determine what information should be deemed confidential: "When it is requested by the licensee to be treated as confidential, ERE respects that." The Macedonian regulator reports that the companies sign the documents and information that are confidential and, on the basis this signing, the regulatory authority classifies the data available for public access. Kazakhstan has a similar system by which the energy enterprise labels the particular data a commercial secret and the regulatory authority categorize such data accordingly. In Croatia, the Act on the Protection of Secret Data provides that the data is considered to constitute business secrets pursuant to law or by a general company act or by state-owned enterprise in organizations performing entrepreneurial activities. By implication, the regulatory authorities in Croatia and Macedonia are not involved in such designation.

3.4. Turkey

3.4.1. The Legislative Framework

While primary and secondary legislation address data access and availability, the principal support for the regulator, EMRA, to obtain information from its licensees is found in the Electricity Market Law, which offers a broad data accessibility mandate. Specifically, this Law provides that legal entities holding licenses must keep their facilities, their books and records of accounts ready for Board inspection and audit, and that these must be fully available to the Board upon request. It further provides that licensees must provide the Board with any information and documents that the Board may require in the performance of its regulatory duties.

The Electricity Market Law does not elaborate on the specific types of data that the regulatory authority may collect, but does provide some of the strongest language among ERRA members regarding the power to access data from its licensees. Details as to the types of data that the regulator may collect are set forth in the licensing regulation, which also provides for the data requirements imposed on license applicants. Like the Electricity Market Law, the Gas Market Law allows the regulator to request any kind of data regarding market activities from legal entities engaged in the market.

The Balancing and Settlement Regulation provides for the submission of required data regarding the bilateral agreements concluded with customers to the Market Financial Reconciliation Center, the part of the Turkish Electricity Transmission Corporation (TEIAS) that operates the settlement side of the balancing and settlement system.

3.4.2. Categories of Data Collected

The licenses authorize EMRA to collect data from license applicants regarding the financial strength of the legal entity and its financial resources; performance; technology used; total efficiency; and generation potential and facility. As noted above, the

Electricity and Gas Market Laws give the regulator a broad mandate to request any kind of market data it needs.

A separate requirement attaches to details of contracts and bilateral agreements between licensees and eligible customers, with necessary data to be supplied to the Market Financial Reconciliation Center. Metering system configuration is included among these, as are loading/deloading requirements, system constraints, and associated data.

Croatia also reports requiring contract data from suppliers, while no other ERRA member makes specific mention of such contract data. In Croatia, the Rulebook on Conditions for Carrying out Energy Activities obliges energy undertakings for electricity supply to submit to the regulatory authority a detailed review of its eligible customers, contracts on electricity supply concluded with eligible customers, contracts with the energy undertakings for transmission and/or distribution of electricity.

3.4.3. Methods of Data Collection

Turkey's licensing regulation requires licensees to prepare an annual activity report for the previous year in compliance with legislation and to submit such report to EMRA by April every year. The annual report is to include information regarding administrative proceedings, including any applications for permits.

New capacity generation licensees that have received approval from EMRA are also obliged to submit progress reports concerning their activities every January, May and September, up and until the completion date of the construction.

3.4.4. Enforcement

Turkey's Electricity Market Law provides for sanctions that apply to entities in violation of EMRA's data requests. Specifically, in the case where it is determined that the information provided to the Board is false, lacking or misleading or if the conditions for on-site investigations by the Board are not made available, the related real person and legal entity is warned to correct the deficit. In the case of incorrect information in the licensing application process or of changes affecting license conditions that are not disclosed to the regulatory authority, the license can be revoked or an administrative fine imposed, after opportunity to correct the failure is provided.

3.4.5. Public Access and Transparency

EMRA has the right to make information public, though it cannot disclose any information it deems commercially sensitive for the licensee, except as requested by a court order.

The data and documents submitted to the Market Financial Reconciliation Center shall be kept by TEIAS, subject to principles of confidentiality as per the provisions of the Balancing and Settlement Regulation. Licensees that have information regarding other

licensees, their customers or suppliers through their market activities or any other means shall not disclose information that could damage commercial relations to any other third person, including their own affiliates and shareholders. A legal entity whose license has expired or has been cancelled shall keep commercially sensitive information of other legal entities confidential for five years.

3.5. Ukraine

3.5.1. The Legislative Framework

Several pieces of primary and secondary legislation in Ukraine infer the right of the regulatory authority, NERC, to collect data from energy enterprises. The Law on Natural Monopolies requires that subjects of natural monopolies have to observe conditions and rules of entrepreneurial activities specified in their licenses (which in turn are issued and monitored by NERC).

Similarly, the Armenian regulatory authority infers its right to collect data from regulated entities from provisions in the Armenian Law on Energy. The Law provides that ensuring transparency is one of the major principles of state policy in the energy field, and ensuring transparency of regulation for the general public is one of the main regulatory principles.

Kazakhstan lies at the other end of the generality/specificity spectrum. It does not have a general, overarching provision regarding regulatory access to data; instead, it relies on a number of different provisions in Kazakhstan's Law on National Monopolies, and in various pieces of secondary legislation, for specific identification of instances in which the regulatory authority has access to data.

3.5.2. Categories of Data Collected

In November 2005, NERC issued the decree "On Approval of Forms for Reporting to NERC," which sets forth the various categories of data that it should received from energy enterprises. These categories also identify the type of enterprise covered by the request. Specifically, licensees must submit to NERC data pursuant to the following, separate reporting forms: use of fuel by an electricity and heat generation licensee; volumes of transmission of electricity through local power networks; electricity supplier's payment for use of local power networks; data on the productive supply of electricity by groups and classes of consumers; settlements for consumed electricity; licensed activities of subjects of economic activities related to generation of electricity and heat; financial results and execution of budget estimates related to licensed types of activities; settlements for electricity purchased by suppliers in the wholesale electricity market and supplied to consumers; payments for electricity from the population and locality; use of cash by types of licensed activities; inflow of cash from licensed activities; payment of current fee for licenses granting the right to perform entrepreneurial activities in the power sector; losses caused by damage of transmission line equipment and transformer substations resulting from natural calamities,

technological disasters and unlawful actions of some third persons; volumes of supply of natural gas by suppliers of natural gas to consumers at the non-regulated tariff; settlements of a license holder with owners of natural gas, and of consumers with the license holder for consumed natural gas; the volume of natural gas injected in the underground gas storage facilities; licensed activities of economic entities related to transmission, storage, distribution of natural gas and its supply at the regulated tariff; licensed activities of economic entities related to transportation of oil through main pipelines; the situation with payments for consumed natural gas; the volumes of natural gas in underground gas storage facilities; accrual of payments from consumers for natural gas and allocation of funds in accordance with the algorithm; and receipt of funds in the current account of license holders.

3.5.3. Methods of Data Collection

In addition to extensive use of reporting forms, NERC requires financial statements from licensees on an annual basis. NERC does not report the receipt or its request of data through any ad hoc mechanism, but relies instead on data gathered pursuant to its reporting forms.

Armenia's regulatory authority similarly develops forms and procedures by which the license holder submits reports and other information, and necessary substantiating documents, related to licensed activities. It also introduced a national chart of accounts for licensees to follow.

The Kyrgyz Republic has an approved reporting template, which the regulatory authority uses to collect data from the regulated entities. The template provides aggregated groups of indices: electricity balance; billing pursuant to existing tariffs; collection of payment for electricity sold; annual costs of companies; and payables and receivables of companies with respect to received electricity. It also relies on monthly reports on technical and economic indices, including level of losses, consumption by various groups of customers, level of collection and the like.

3.5.4. Enforcement

NERC may apply the following sanctions against electricity enterprises that fail to comply with NERC reporting conditions: warning decree; instruction on elimination of violation of license terms; decree on suspension of validity of a license; decree on imposing a fine; and decree on cancelling a licensing. In the gas sector, it may issue an order on elimination of violations of license conditions, decrees on cancelling a license and decree on imposition of a fine. NERC reports license cancellation as the primary form of sanction against entities that fail to comply with reporting conditions. Ukraine's answers to our survey do not provide information as to instances where data was not provided. Russia reports no instances of challenges or refusals of regulatory requests for data or submission of inadequate data by licensees.

As a practical matter only Macedonia reports license revocation on the ground of insufficient data. The regulatory authority in Macedonia revoked two licenses because the undertaking in question did not submit the data required of them, pursuant to the Rulebook on conditions, method and procedures for granting, modifying and revoking an energy license. But in the case of Macedonia, such revocation did not amount to cessation of activities or to management transfer. Instead, during the period of license revocation, pursuant to requirements under the Energy Law, the undertaking was required to continue performing its activity under the supervision of the competent inspectorate.

Georgia reports that its primary form of sanction is the application of fines, which have proven effective in practice.

3.5.5. Public Access and Transparency

NERC meetings are open to the public and its decisions are published in mass media and on the Internet. The minutes of NERC Board meetings are published and contain: agenda, summary of reports and comments of the participants of the meeting, individual voting results, and decisions made by the Commission.

The Ukrainian regulatory authority uses open meetings to consider matters regarding issuances, modification, suspension, cancellation of licenses and extension and restoration of licenses, imposition of sanctions on licensees for violation of License Conditions and current legislation; protection of rights of consumers of electricity and heat, natural gas and oil; approval and revision of tariffs; approval of investment programs of licensees and introduction of changes in them; handling complaints concerning procurements made by NERC licensees; approval of draft regulations of NERC and the like.

If review of issues at the open meeting of the Commission is against interests of the state or commercial secret, then meetings of the Commission are held as closed meetings. Similar open meetings, with restrictions as to the release of confidential data, can be found in Kazakhstan, Bosnia and Herzegovina and Moldova.

4. Analysis and Recommendations

While the data access and availability issues for the regulator differ in each country and are reflected in each country's national legislative framework, some general principles can be drawn, from which recommendations in turn can be made.

4.1. The Legislative Framework

Recognition for the importance of the regulatory role within the energy sector is generally increasing internationally. Though steps backward have taken place in some countries, including some ERRA members, as a general rule, the competencies of regulatory authorities are gradually expanding, with increased monitoring roles in

particular. The third legislative energy package from the European Commission reflects this trend.

Any expansion and indeed the execution of current competencies require that the regulatory authority has the information it needs to fulfill its duties. One difficulty is that as duties change over time, the types of data required also change. Thus, it is advisable not to identify with precision in legislation the exact type of data that the regulatory authority should be given, as such precise identification could result in limitations that restrict regulatory reach.

With respect to the primary legislation in particular, language that broadly supports regulatory access to data and requires energy enterprises to make such data available to regulatory authorities offers optimal application over time.

At the same time, secondary legislation that is specifically dedicated to the manner and procedures by which such data is provided help both the regulator and energy enterprises to measure and meet expectations. Disputes regarding time schedules, format, aggregation and the like are minimized by such an approach. The greater the simplicity of the process as set forth in secondary legislation, the lesser the burden on the parties involved. Hence, limited secondary legislation that is expressly targeted to data access and availability issues would serve to eliminate confusion and delay, and likely minimize the cost to the regulator and the energy enterprises, while maximizing transparency.

4.2. Categories of Data Collected

Energy enterprises with different functions (e.g., transmission v. distribution v. generation/production) will engage in activities that require distinct reporting emphases. Thus, the categories of data collected by the regulatory authority will differ for each type of entity involved.

If the regulatory structure gives the regulatory authority competence to design and monitor the terms and conditions of licenses, the licenses, supported by licensing regulation, may be the optimal place for elaboration as to the general categories of data needed by the regulatory authority.

Where licensing is instead a largely administrative function, without extensive regulatory determination and oversight with respect to the terms and conditions of licenses, categories of required data from each type of energy activity will need to be identified through alternate methods, such as the use of data templates or secondary legislation.

Optimally, the categories specified through either method are specific enough to indicate differences in needs between types of energy activities, yet broad enough to allow for the flexibility needed by the regulatory authority and energy enterprises as obligations and

roles evolve. Certainly one area stands out for identification: contract data between the supplier and eligible customers. As the market develops, eligible customers increase. In turn, this means that regulatory control decreases. Given that the energy markets are recently developed in many ERRA countries and still in the process of development in others, it is important that the regulatory authority continue to have some access to information regarding contracts with eligible customers so as to ensure that abuses are minimized. Thus, with respect to suppliers in particular, one category of data helpful to the regulatory authority is contractual information regarding pricing, customer numbers and related terms.

4.3. Methods of Collecting Data

The timing and presentation of data offer challenges to regulatory authorities, particular those facing staffing and financial resource pressures. They also offer challenges to energy enterprises, many of which are in the process of restructuring or have recently unbundled from a vertically integrated enterprise. In either case, inadequate or untrained resources may create some confusion or delay in terms of how and what data is provided to the regulatory authority.

Templates and reporting forms designed by the regulatory authority offer a useful vehicle for the regulatory authority and the energy enterprise alike. These should be subject to amendment for the next reporting period, in response to solicitations for input from energy enterprises regarding form/template usability and regulatory authority assessment of effectiveness. Fundamentally, there needs to be a balance between clear and strong rules and flexibility and discretion. The regulatory authority needs the power to create and modify reporting forms in order to create such balance.

Whether through formal written requests or administrative hearings (recognizing that the latter are infrequently used by ERRA members for data gathering purposes), the mechanism by which requests for data are made and received must be predictable and transparent.

As regulatory competencies expand and the capacity of industry also grows, the templates and forms can evolve in response. Optimally, care is taken to minimize the burdens on all parties. While annual reporting is insufficient, quarterly may be adequate, if married with the power to add ad hoc requests as needed and certainly in response to any changes that would affect sector performance or market transparency and liquidity. Any increases in requests should be incremental and partnered with education and training efforts.

4.4. Enforcement

Competencies assigned to the regulatory authority in law that are unsupported through enforcement mechanisms may result in minimal expected reforms for the energy sector.

Thus, the enforcement structures in place must be carefully evaluated for practical application within the context of the overall national legislative framework.

Informal avenues to redress data inadequacies or refusals are advisable as a first round of response by the regulatory authority. The relationship between regulatory authority and energy enterprise should be as cooperative as possible, while protecting independence of the regulator from industry interests. Any informal recourse should, however, be addressed in legislation, with a time frame for response, and the next, more formal steps, clearly identified to give the energy enterprises appropriate levels of notice and a predictable framework in which to operate.

The regulator must have power to apply more formal sanctions and access to measures that will have real impact on industry, while protecting the efficiency and effectiveness of the energy sector overall.

Creative punitive measures should be explored. Fines, for instance, will need to be high enough, or targeted enough, to have a real impact on the enterprise, such that any improper patterns of nondisclosure are minimized or reversed. License withdrawals or suspensions must be accompanied by real solutions for the sector; temporary control, supervised management, and the freezing of profits are some methods of redress that protect security of supply and market activity.

4.5. Public Access and Transparency

Transparency is the threshold for market development. To the extent reasonable, utility data should be made public. Where confidential or commercial data is involved, any limits on publication must be narrowly tailored. For instance, in most cases, documents containing confidential or commercial information do not require restriction from publication; rather the documents may be published, with the specific information excised, pursuant to clear rules.

The confidentiality or commercial sensitivity of a document should not impede regulatory access. Thus, any rules regarding these issues must concern public access rather than regulatory access.

The inherent conflict of interest presented by a company having the final say as to what documentation is confidential or commercially sensitive puts the regulatory authority in the best position to make the final determination of these issues, based on information and requests put before it by the company. For the same reason, the regulatory authority and not the company is best situated to make all information (that it does not deem confidential or commercially sensitive) transparent to the public.

5. Conclusions and Next Steps

The data access and availability question for regulators is evolving in tandem with the evolution of the roles of regulators. The framework by which the regulators access data must therefore have the flexibility to incorporate ongoing and future changes, while offering sufficient protection for the regulatory authority to ground its requests in tangible consequences, where necessary.

The recommendations made herein are envisioned as steps toward greater sector effectiveness and transparency overall. They cannot and should not be implemented at once, particularly among ERRA members where significant legislative changes are implicated. Public consultations and stakeholder debates that investigate the possibility of implementing these recommendations contribute to a better dialogue between regulators and utilities, and thus to improvements in data collection and understanding of respective needs and resource challenges.

Based on these consultations, individual regulators may prioritize strategies for implementing the recommendations made herein. ERRA can contribute to this discussion by providing a supportive forum for discussion and identifying, through position papers and written recommendations, any barriers or issues presented as the strategies are developed.

There are clear merits to harmonizing reporting schemes and approach to data access and availability across ERRA members. The development of trade and markets among ERRA countries is made easier when regulators can act or coordinate based on a common set of information and common understandings regarding the use of such information. Harmonization not only helps regional coordination among regulators, but creates greater ease of operation for traders or any regulated entity working in multiple countries. ERRA efforts to increase discussion on these issues and propose harmonized approaches could prove invaluable in light of the broad desire to increase competition among ERRA members.

TABLE 1. LEGISLATION IN SUPPORT OF REGULATORY AUTHORITY TO COLLECT DATA		
Country	**Primary Legislation In Support Of Regulatory Authority To Collect Data**	**Secondary Legislation in Support of Regulatory Authority to Collect Data**
Albania	1. Law on the Power Sector: defines general terms of a license and authorizes the Electricity Regulatory Authority ("ERE") to issue the license and to define other conditions based on the general terms defined in the law and in the activity. In general the license includes conditions on: o Regulatory authority to issue and declare the effectiveness of the license, to transfer the license, to modify the license, etc. o Carrying out the licensed activity in general o Obligation on accounting and reporting, use of information, obligation for information to other operators (TSO), payment of regulatory fees, etc. o License termination o Dispute resolution and right to appeal 2. Law on Commercial Code: defines how to establish a company, structure and organization of a company	1. Regulation on Practice and Procedure of ERE 2. Rules on Licensing 3. Rules on Open Board Meeting
Armenia	1. Law on Energy of the Republic of Armenia, Articles 5, 9, 10, 17, 20, 22, 23. o Sub-item g), part 1, Article 5, states that one of the major principles of the state policy in the energy field is "ensuring transparency of licensed activities in the energy field" o Sub-item b), Article 9, states that one of the main regulatory principles is "ensuring transparency of regulation for the general public" 2. Law on Public Services Regulatory Body of the Republic of Armenia	Resolutions of the Commission
BiH	1. Act on Transmission of Electric Power, Regulator and System Operator of Bosnia and Herzegovina (Official Gazette ("OG") of BIH, #7/02 and 13/03) 2. Law on Free Access to Information in BiH (OG of BiH, #28/00) There are conflicts among the laws, e.g. in the field of penalty and minor offence responsibility with regard to providing data from the penalty and minor offence records, or tax regulations with regard to information and data on taxpayers, as well as in regulation in the field of banking and circulation of securities.	1. Statute (OG of BiH, #41/03 and 59/04) 2. Rules on Practice and Procedure (OG of BiH, #2/05) 3. Licensing Rule (OG of BiH, #38/05) 4. Rules of Hearing Procedures (OG of BiH, #38/05) 5. Rules on Tariff Proceedings (OG of BiH, #44/05) 6. Tariff Pricing Methodology for Services of Electricity Transmission, Operation of ISO and Ancillary Services (OG of BiH, #46/05) 7. Rules of Confidential Information Protection (OG of BiH, #13/07)
Croatia	1. The Energy Act (OG #68/01 and 177/04) 2. The Act on the Regulation of the Energy Activities (OG #177/04) 3. The Act on the Protection of Data Secrecy (OG #108/96) These and other relevant acts authorize the Agency to	1. Collection of data for the purpose of issuing of a license for carrying out of an energy activity is prescribed by the Rulebook on Conditions for Carrying Out of Energy Activities (OG #06/03 and 94/05). According to the Rulebook, the Agency can issue a license for carrying out of an energy activity to an energy undertaking registered for

TABLE 1. LEGISLATION IN SUPPORT OF REGULATORY AUTHORITY TO COLLECT DATA		
Country	**Primary Legislation In Support Of Regulatory Authority To Collect Data**	**Secondary Legislation in Support of Regulatory Authority to Collect Data**
	collect data necessary for carrying out the work, especially in the following: o *Performing duties with public jurisdiction* (issuing and revoking of licenses for carrying out of energy activities, passing methodologies for determining tariff items in tariff systems, providing expert opinion to the amount of tariff items, providing expert opinion to regulations, granting the status of eligible producer, performing supervision over the work of energy undertakings and the implementation of tariff systems, etc. from Article 9, Section 1 of the Act on the Regulation of Energy Activities). o *Passing regulations from Article 11 of the Act on the Regulation of the Energy Activities* (tariff system for oil transportation through oil pipeline and transportation of oil derivatives through product pipeline, the Rulebook on fees for connection to the network/system and for increase in the connected load/capacity), the methodology for providing balancing services for electricity and gas, etc.) o *Settlement of disputes related to carrying out of energy activities* The Act on the Regulation of Energy Activities (OG #177/04) in Article 27.1-2 refers to data collection in a general way: o The Agency has the authority to request data, reports and other relevant documents, necessary for performing duties from Agency's jurisdiction, from energy undertakings, based on this Act and other acts regulating carrying out of energy activities. Energy undertakings shall submit the response to the Agency's request by the prescribed deadline and submit all requested data, reports and other documentation in line with the Agency's request from Sect. 1 of this Article.	carrying out of that particular activity and which fulfills the conditions of technical, professional and financial qualifications. 2. The Statute of the Croatian Energy Regulatory Agency (OG #86/05) 3. The Rulebook on data energy undertakings are obliged to submit to the Council for Regulation of Energy Activities (OG #97/03) 4. Tariff system for gas supply (OG #34/07) 5. Tariff system for gas distribution (OG #34/07) 6. Tariff system for heat production, distribution and supply (OG #57/06, 88/06, 105/06, 116/06 and 55/07)
Estonia	1. Law on Electricity Market o Article 70. Obligation to transfer information *A network entrepreneur transfers to the Energy Market Inspectorate, at the request of the latter, information necessary to the Energy Market Inspectorate to fulfill its tasks specified in the law.* o Article 96. Duty to submit information *Market participants, as well as state and municipal institutions submit to the Energy Market Inspectorate, at the request of the latter, data that the Energy Market Inspectorate needs to execute its tasks. Information should be submitted within five days from the date the request was made.*	Government Decree on general rules for record keeping

TABLE 1. LEGISLATION IN SUPPORT OF REGULATORY AUTHORITY TO COLLECT DATA		
Country	**Primary Legislation In Support Of Regulatory Authority To Collect Data**	**Secondary Legislation in Support of Regulatory Authority to Collect Data**
	2. Law on Natural Gas (contains similar provisions as above) 3. Law on Heat Supply (contains similar provisions as above) 4. Commercial Code 5. Law on Public Information	
Georgia	*Georgian Law on Electricity and Natural Gas* *Georgian Law on National Independent Regulatory Authorities* *Law of Georgia on Licenses and Permits*	Resolutions, decisions and consumption rules of Georgian National Energy Regulatory Commission ("GNERC")
Hungary	1. Act No. CX/2001 on the Electricity and Enforcement Decree No. 180/2002 (VIII. 23) 2. Act No. XLII/2003 on the Gas Supply and Decree No. 86/2003 (XII. 19) of the Ministry of Economy and Transport	1. Act No. IV/1959, its §81 stipulates the rules for treating confidential and sensitive information 2. Decrees mentioned above: 36/2002 and 86/2003 of the Ministry of Economy and Transport
Kazakhstan	1. Law of the Republic of Kazakhstan 'On National Monopolies' (the Law) o Article 7: a subject of the natural monopoly has, upon a request from an authorized body (Agency of the Republic of Kazakhstan for Regulation of Natural Monopolies), to present financial statements and other necessary information in paper form and/or soft form within terms set by the authorized body, but not less than five working days. o Article 14: the authorized body has the right to request and get information necessary *for it to exercise its authorities*, from physical persons and legal entities, including state bodies, local self-governing bodies, and their officials while observing requirements set by laws of the Republic of Kazakhstan to disclosure of information representing commercial and other legally protected secrets. o Authorities – rights and duties of the authorized body and its functions are set by Articles 13, 14 and 14-1. o In order to perform its functions – control and regulation of activities of subjects of natural monopolies, drawing up and maintenance of the state registry of *subjects of natural monopolies*; elaboration and approval of normative legal acts binding for state bodies and subjects of natural monopolies; elaboration, approval and application of non-discriminatory methods for calculation of tariffs (prices, fees) or their cap levels for regulated services (goods, works) subjects of natural monopolies; summarizing practice of application of the legislation of the Republic of Kazakhstan on natural monopolies, and elaboration on this basis of methodological	1. Decree of the Government of the Republic of Kazakhstan, of April 21, 2003, #376 «On approval of the Rules for conducting public hearings when examining applications on approval of tariffs (prices, fees) or their cap levels for regulated services (goods, works) of subjects of natural monopolies» 2. Order of the Chairman of the Agency of the Republic of Kazakhstan for Regulation of Natural Monopolies and Protection of Competition, of February 24, 2003, #49-OD «On approval of the Rules for submission and examination of petitions related to giving consent for reorganization and liquidation of subjects of natural monopolies» 3. Order of acting Chairman of the Agency of the Republic of Kazakhstan for Regulation of Natural Monopolies, of August 10, 2006, #198-OD «On approval of the Rules for presenting annual reports on activities of a subject of the natural monopoly related to provision of regulated services (goods, works) to consumers and other interested persons» 4. Order of the Chairman of the Agency of the Republic of Kazakhstan for Regulation of Natural Monopolies and Protection of Competition, of June 6, 2003, #149-OD «On approval of Rules for procurement by subjects of natural monopolies of goods, works and services, costs of which are taken into consideration in tariffs (prices, fees) or their cap levels and tariff estimates for regulated services» (with changes and amendments thereof, as of August 14, 2006). 5. Order of the Chairman of the Agency of the Republic of Kazakhstan for Regulation of Natural Monopolies, of March 4, 2005, #70-OD «On approval of Rules for submission and examination of petitions related to giving consent for execution of other activities by subjects of natural monopolies» (with amendments and additions thereof, of March 30, 2006). 6. Order of the Chairman of the Agency of the Republic of

TABLE 1. LEGISLATION IN SUPPORT OF REGULATORY AUTHORITY TO COLLECT DATA		
Country	**Primary Legislation In Support Of Regulatory Authority To Collect Data**	**Secondary Legislation in Support of Regulatory Authority to Collect Data**
	recommendations; approval according to the set procedure of normative technical losses of a subject of the natural monopoly; *technical and technological norms of consumption of raw materials, materials, fuel, and energy by subjects of natural monopolies* in coordination with the state body in charge of managing the relevant industry (sphere) of state administration; *established standards for the number of employees of a subject of the natural monopoly* in coordination with the authorized state body responsible for labor issues – the authorized body, in accordance with Article 14 of the Law, has the right to request and get information, necessary *to exercise its authorities*, from physical persons and legal entities, including state bodies, local self-governing bodies, and their officials, observing requirements set by laws of the Republic of Kazakhstan to disclosure of commercial and other legally protected secrets. 2. Law of the Republic of Kazakhstan 'On Private Entrepreneurship' (commercial secrets). 3. Code «On Administrative Offences». (Violation of the obligation to keep commercial, banking secrets, information on credit reports or information from the data base of credit histories of a credit bureau). 4. Civil Code of the Republic of Kazakhstan. (Service and commercial secret). 5. Law 'On Protection of Consumers' Rights'.	Kazakhstan for Regulation of Natural Monopolies, of March 4, 2005, #71-OD «On approval of Rules for submission and examination of petitions related to execution of transactions by a subject of the natural monopoly».
Kosovo	1. Law on Energy (Regulation No. 2004/2): o sets forth the right of the Energy Regulatory Office ("ERO") to require from any energy enterprise or public authority information, data, and documents, including confidential information, necessary for the fulfillment of its functions, duties and powers (Art. 13) o the ERO has the power to supervise and control compliance with licenses (Art. 15.2) 2. Law on Electricity (*Regulation No. 2004/22*) 3. Law on Access to Official Documents (*Regulation No. 2003/32*)	1. Rule on Confidentiality of Information (draft, not adopted yet) 2. Manual of Reporting 3. Statute of ERO 4. Rule on Licensing of Energy Activities
Kyrgyz Republic	**1. The Law on Energy authorizes the Agency to issue recommendations, instructions and other general statutory acts for the purpose of performing its activities** **2. Law on Electricity** 3. Law on Licensing 4. Law on a Commercial Secret 5. Law on Natural and Allowed Monopolies	1. Decree of the Government #531 of August 19, 2003, which approves a uniform template for reports to the regulator from the regulated companies. The Agency adopted a number of templates for data requests for each type of licensed activity. These requests clarify what data and documents have to be submitted to the Agency for monitoring purposes, and also show the dynamics of such data collection. 2. Regulation on licensing of certain types of entrepreneurial activities of May 31, 2001, #260 (setting forth

TABLE 1. LEGISLATION IN SUPPORT OF REGULATORY AUTHORITY TO COLLECT DATA		
Country	**Primary Legislation In Support Of Regulatory Authority To Collect Data**	**Secondary Legislation in Support of Regulatory Authority to Collect Data**
		requirements and procedures applied in the course of licensing)
Latvia	1. Law on Regulators of Public Services 2. Electricity Market Law 3. Law On Annual Accounts of Undertakings 4. The Commercial Law	1. Regulations on the order in what/how service providers deliver the information to the PUC 2. Regulations on the order in what/how service providers shall provide users with public access to information
Lithuania	1. Law on Energy 2. Law on Natural Gas 3. Law on Electricity 4. Law on Heat Sector 5. Law on Right to Get Information from Governmental and Municipal Institutions. (The general provisions of the Law prescribe what kind of information governmental institutions should provide and also what kind of information should be under protection (confidential).) 6. General rules on information protection are stated in Civil Code and detailed in other laws (The Law on Corporations, *Law on Legal Protection of Personal Data etc.).* Law on Energy provides that governmental institutions (including the Commission) have a right to get from companies all information they need to carry out stated functions. But, for example, Rules for Licensing in Natural Gas sector engage companies to provide to Commission information "about contracts".	1. Statute of National Control Commission for Prices and Energy 2. Rules for Licensed Energetic Entities on Providing Information (2006). This legal act describes in detail what information and in what terms license holder should provide to regulator or announce officially
Macedonia	Energy Law (OG of the Republic of Macedonia" #63/2006 and #36/2007).	1. Transmission grid code for electricity ("OG of the Republic of Macedonia" #95/2006); prepared by the MEPSO (TSO) and approved by the Energy Regulatory Commission ("ERC") 3. (Draft) Distribution grid code for electricity; in preparation by the ESM-EVN(DSO) and will be approved by the ERC 4. Rule on the method and conditions for regulating prices of: o electricity ("OG of the Republic of Macedonia" #63/2006) o district heating ("OG of the Republic of Macedonia" #16/2006) o natural gas ("OG of the Republic of Macedonia" #94/2005) o geothermal energy ("OG of the Republic of Macedonia" #69/2006) (prescribed by the ERC); 5. Rulebook on conditions, method and procedure for acquiring and terminating eligible customer status: o electricity ("OG of the Republic of Macedonia" #69/2006) o natural gas ("OG of the Republic of Macedonia" #49/2007) (prescribed by the ERC);

TABLE 1. LEGISLATION IN SUPPORT OF REGULATORY AUTHORITY TO COLLECT DATA		
Country	**Primary Legislation In Support Of Regulatory Authority To Collect Data**	**Secondary Legislation in Support of Regulatory Authority to Collect Data**
		6. Rulebook on the method and procedure for establishing and approving the use of feed-in tariffs for purchase of electricity generated by: o small hydro power plants ("OG of the Republic of Macedonia" #16/2007) o wind power plants ("OG of the Republic of Macedonia" #61/2007) (prescribed by the ERC); 7. Tariff system for selling of natural gas for captive customers ("OG of the Republic of Macedonia" #94/2005); prescribed by the ERC); 8. Tariff system for transport of natural gas ("OG of the Republic of Macedonia" #94/2005); (prescribed by the ERC).
Moldova	1. Civil Code 2. Law on Energy #1525, of February 19, 1998 3. Law on Electricity #137, of September 17, 1998 4. Law on Gas #136, of September 17, 1998 5. Law on Licensing Certain Types of Activities # 451, of July 30, 2001 6. Law on a Commercial Secret #171, July 6, 1994 According to Law on electricity #137 of September 17, 1998, Article 6, Main Functions of the Agency in the Energy Field, the Agency: o Determines, taking into account confidentiality of data, economic and technical information related to functioning of the power system as a whole and subject to be published by a license holder o In accordance with National Accounting Standards, sets procedures for maintenance of accounting in the power sector, as well as a system of information according to which license holders have to report to the Agency.	According to paragraph 12.6 of Regulation for supply and use of electricity (Government Resolution No. 1194 as of 22.11.2005) and paragraph 12.5 of Regulation for supply and use of natural gas (ANRE Resolution No. 49 as of 06.03.2002), the supplier in a mandatory manner submits to the Agency any requested information on petitions, recorded acts, decisions and other necessary documents.
Mongolia	Energy Law of Mongolia The Energy Law provides to ERA the full power for collecting data from the Licensees for monitoring purposes (Article 9, Para 1.9): *"The Regulatory Authority shall have the full power to establish a database of technical and economic information and information on licensed activities; to obtain relevant information from licensees."* The Licensees' obligation to deliver the data to the ERA are stipulated in Article 25, Para 1.8: *"The Licensees shall have the obligation to provide accurate information required by the licensor necessary to evaluate technical and economic performance of the licensee, on a timely basis."*	1. Terms and conditions of License 2. Statute of the Agency #68, 2006–methodology to make the ranking of the Licensees
Montenegro	1. Energy Law, 2003 2. Commercial Law, 2002	1. Rules on electricity supply, Interim Grid Code, Interim Distribution Code, Rules on unbundling of integrated

TABLE 1. LEGISLATION IN SUPPORT OF REGULATORY AUTHORITY TO COLLECT DATA		
Country	**Primary Legislation In Support Of Regulatory Authority To Collect Data**	**Secondary Legislation in Support of Regulatory Authority to Collect Data**
		energy undertaking-EPCG
Poland	1. Energy Law: gives the energy Regulator (President of ERO) the right to review the accounting books of an energy enterprise and *may request that the enterprise present information related to its business activity*, including the information on its investment projects, applying the relevant provisions on the protection of classified information and other information protected by the law (Art. 28) 2. Administrative Proceedings Code 3. Commercial Companies Code 4. The Act on Freedom of Business Activity 5. The Act on the Protection of Classified Information 6. The Act on Access to Public Information 7. The Act on Personal Data Protection President of ERO needs various kinds of data to execute its duties effectively. Regulator's primary duties, per Art. 23 of Energy Law are: o Granting and revoking licenses o Approval and supervision of application of tariffs of gaseous fuels, electricity and heat with respect to their compliance with the rules laid down in Articles 44, 45 and 46, including the analysis and verification of the costs accepted by energy enterprises as substantiated and reflected in the process of calculation of the prices and fee rates in the tariffs o Defining: (a) the corrective coefficients which define the proposed improvement of efficiency of operation of the energy enterprise and a change of the terms on which such an enterprise performs the stated types of business activity, (b) the period of validity of the tariffs and the corrective coefficients, (c) the amount of the justifiable return on investment for the energy enterprises which submit the tariffs for approval, (d) the maximum share of the fixed fees in the total fees for the provision of transmission or distribution services for the various groups of customers in the tariffs applicable to gaseous fuels and energy, in the cases in which the protection of the interests of customers makes it necessary o Verification of the compliance with the obligations connected with obtainment certificates of origin o Discussing the proposal of the plans of development in range of affirmation present and future request for gas fuels or energy prepared by energy enterprises o Designation of the system operators o Granting and revoking permission for the obligation to provide the services connected with transport	There are no special policies prepared by ERO. In the ordinances of the Ministry of Economy are described in the rules and methods of tariff creating and calculating, but they indicate how to create tariffs that concern the data which should be submitted to Regulator.

TABLE 1. LEGISLATION IN SUPPORT OF REGULATORY AUTHORITY TO COLLECT DATA		
Country	**Primary Legislation In Support Of Regulatory Authority To Collect Data**	**Secondary Legislation in Support of Regulatory Authority to Collect Data**
	and distribution of gas fuels or energy, storage of gas fuels, transport of natural gas and liquefaction of gas fuels o Approving the instructions of grid operation and use with respect to the aspects of system balancing and the management of system restrictions o Organising and conducting tenders the subject of which is: (a) designation of last resort suppliers, (b) construction of new electricity generating units and implementation of measures which reduce the electricity demand o Control over the quality standards of services provided to the customers and compliance inspection with regard to quality parameters of gaseous fuels and electricity upon request from the customer o Supervising the implementation of the duties resulting from the Regulation of the European Parliament and of the Council No. 1228/2003/EC of 26 June 2003 on conditions for access to the network for cross-border exchanges in electricity (O.J. EC L 176 of 15.07.2003) o Resolution of disputes in the scope specified in Article 8 (1) o Imposing financial penalties on the terms provided in the act of law o Cooperating with adequate bodies in order to counteract any practices of energy enterprises which adversely influence market competition o Specifying the methods of inspection and taking actions aimed to improve the efficiency of energy enterprises o Defining and publishing indices and index prices important for the tariff shaping process o Publishing information used to increase the efficiency of use of fuels and energy o Collecting and transforming information related to the energy enterprises, including the calculation and announcing of the following information by 31 March of each year: (a) an average price of sale of electricity co-generated with heat, (b) an average price of sale of electricity on the competitive market – in the preceding calendar year o Collecting information on the investment projects which are within the scope of interest of the European Union and its submission to the European Commission by 15 April of each year, as well as providing the European Commission with the information referred to in Article 9c (11) o Monitoring the operation of the gas and electricity system to the following extent:	

TABLE 1. LEGISLATION IN SUPPORT OF REGULATORY AUTHORITY TO COLLECT DATA		
Country	**Primary Legislation In Support Of Regulatory Authority To Collect Data**	**Secondary Legislation in Support of Regulatory Authority to Collect Data**
	➢ the rules governing the management and distribution of capacity of intersystem connections in cooperation of the proper bodies of the Member States of the European Union or the Member States of the European Free Trade Agreement ("EFTA") – the parties to the European Economic Area Agreement ➢ the balancing mechanisms designed for the gas or electricity system and the management of the restrictions in the national gas and electricity system ➢ the terms of connecting entities to the grid and the establishment of such connections and repairs of such grids ➢ compliance of transmission and distribution system operators with the obligation to publish information on the intersystem connections, the grid use and the distribution of the transmission capacity to the parties of the gaseous fuels or energy transmission or distribution agreement, observing the requirement to treat that information as confidential for commercial reasons ➢ the terms and provisions of the gaseous fuels storage services, natural gas liquefaction services and other services offered by energy enterprises ➢ security of supply of gaseous fuels and electricity ➢ compliance of transmission and distribution system operators with the tasks they shall be obliged to perform ➢ compliance of energy enterprise with the obligations connected with separating accountancy o Issuing and redeeming the certificates of origin o Performing other tasks specified in the act of law and in separate laws	
Romania (Elec)	1. Energy Law No. 13/2007 2. Law on free access to information of public interest No. 544/2001 3. Law No. 182/2002 on classified information protection	1. Governmental Decision No. 585/2002 on approving the national standard for classified information protection 2. Government Decision No. 540/2004 on approving Rules for electricity sector licensing and authorization, amended by Government Decision No. 553/2007 3. Commercial Code, approved by ANRE Order No. 25/2004 4. Methodologies for prices and tariffs regulation 5. Methodologies for market monitoring 6. In the near future, a decision will be issued regarding the regime of the public/confidential data that are managed by ANRE

TABLE 1. LEGISLATION IN SUPPORT OF REGULATORY AUTHORITY TO COLLECT DATA		
Country	**Primary Legislation In Support Of Regulatory Authority To Collect Data**	**Secondary Legislation in Support of Regulatory Authority to Collect Data**
Romania (Gas)	Gas Law No. 351/2004	1. Government Decision No. 784/2000 concerning approval for Regulation for granting authorizations and licenses in natural gas sector; 2. Law No. 544/2001 regarding free access to the public information; 3. There is no secondary legislation on data access and public availability.
Russia	1. Federal Law of March 26, 2003, #35-FZ «On electricity» 2. Federal Law of April 14, 1995, #41-FZ «On the state regulation of tariffs for electricity and heat in the Russian Federation» 3. Federal Law of December 30, 2004, #210-FZ «On the basics of regulation of tariffs for utility complex organizations» 4. Federal Law of December 2, 2005, #147-FZ «On introduction of changes in Article 2 of the Federal Law "On the state regulation of tariffs for electricity and heat in the Russian Federation". 5. Federal Law of April 14, 1995, #41-FZ «On the state regulation of tariffs for electricity and heat in the Russian Federation» 6. Federal Law of December 30, 2004, #210-FZ «On the basics of regulation of tariffs for utility complex organizations» 7. Federal Law of March 26, 2003, #35-FZ «On electricity»	1. Decree of the RF of June 30, 2004, # 332 «On approval of the regulation on the Federal Service for Tariffs» 2. Decree of the Government of the RF of December 27, 2004, # 861 «On approval of rights for non-discriminatory access to services related to transmission of electricity and provision of such services, rules of non-discriminatory access to services related to operational dispatch control in the power sector and provision of such services, rules of non-discriminatory access to services of the trading system administrator of the wholesale market and provision of such services, and rules for technical connection of energy installations of legal entities and physical persons to power networks».
Serbia	1. Energy Law ("OG of the Republic of Serbia" #84/2004) 2. Law on free access to information of public interest ("OG of the Republic of Serbia" #120/2004)-only applicable to the Agency in relation to licensing 3. Law on Commercial Entities ("OG of the Republic of Serbia" #125/2004) - only one article regulates the question of commercially sensitive information (Article 38 thereof)	1. License Code ("OG of the Republic of Serbia" #117/2005) – only on the public availability of data contained in the Register of Issued, Suspended and Revoked Licenses 2. Statute of the Agency ("OG of the Republic of Serbia" # 52/2005) – general framework for the transparency (i.e. publicity) of the work of the Agency 3. Data Request Templates, issued by the Agency, as discussed above
Turkey	1. Electricity Market Law 2. Natural Gas Market Law 3. Commercial Law The Electricity Market Law No. 4628 determines that: *Legal entities holding licenses must keep their facilities, and their books and records of account ready for Board inspection and audit, and must make such facilities and books and records of account available to the Board for inspection and audit, when required by the Board. Legal entities holding licenses must also provide the Board any information and documents it may require in the performance of its duties.*	1. Licensing Regulation 2. Balancing and Settlement Regulation 3. Board Decisions The third paragraph of Article 7 of Licensing Regulation is as follows: *In order to be granted the relevant licenses to operate in the market, the legal entities shall apply to the Authority by submitting the documents indicated in "List of Information and Documents to be submitted during License Application" defined by a Board decision, together with the "License Application Form" in Annex 1 and the Commitment form in Annex 2.*
Ukraine	Law "On Electricity", Law "On Natural Monopolies", Law "On Licensing of Certain Types of Economic Activities", Law "On Oil and Gas", Law "On Heat	Regulation of the National Electricity Regulatory Commission of Ukraine approved by NERC Decree of February 14, 2000, #133 (in the wording of NERC Decree of March 1, 2007,

TABLE 1. LEGISLATION IN SUPPORT OF REGULATORY AUTHORITY TO COLLECT DATA		
Country	**Primary Legislation In Support Of Regulatory Authority To Collect Data**	**Secondary Legislation in Support of Regulatory Authority to Collect Data**
	Supply", Law "On Combined Generation of Electricity and Heat and Use of Waste Energy Potential". In accordance with the Law of Ukraine "On Natural Monopolies", subjects of natural monopolies have to observe conditions and rules of entrepreneurial activities specified in licenses for carrying out entrepreneurial activities in the fields of natural monopolies and in adjacent markets.	#280) (hereinafter referred to as the "Regulation"), Regulation on the National Electricity Regulatory Commission of Ukraine approved by Decree of the President of Ukraine of March 14, 1995, #213 (in the wording of Decree of the President of Ukraine of April 21, 1998, # 335). *In electricity sector*, in accordance with the Conditions and Rules for carrying out entrepreneurial activities in the field of electricity supply at the regulated tariff approved by NERC decree of 13 June 1996, #15/1, a condition for carrying out the said activity is availability of only one license granting the right to carry out entrepreneurial activity on supply of electricity at the regulated tariff. A licensee, together with affiliated enterprises, should not be involved in licensed activity in the territory where it performs licensed activity on supply of electricity at non-regulated tariffs in the prescribed territory. *In the oil and gas sector*, according to License conditions for carrying out economic activities on supply of natural gas at the regulated tariff approved by NERC decree of August 25, 2005, #693, licensee has no right to carry out activities related to storage, transportation of natural gas through main pipelines and supply of natural gas at non-regulated tariffs.

TABLE 2. CATEGORIES OF DATA THE REGULATOR COLLECTS FROM LICENSEES	
Albania	ERE collects the following data from the regulated companies: o Data on balance sheet of electricity (from the public company, includes information on generation (hydro–thermo), losses in energy, exchange of electricity, import-export of electricity, distribution activity electricity from transmission, billing of electricity according to the category of consumer and prices approved, outages of electricity, metering of the consumer) o Data on transmitted electricity from the TSO (electricity taken from the system, losses in transmission) o Data on generation, investment, generation cut-off (this information is taken from the small power plant producers) o Data on cost and operations
Armenia	o The Commission introduced accounts and sub-accounts for license holders (generation, transmission, distribution companies) in accordance with the national chart of accounts and in accordance with regulations and laws related to accounting (Art. 10, Law on Energy) o The Commission determines the procedure for setting and revising tariffs, forms and the list (application package) of necessary documents to be submitted by a license holder. (Pt. 1, Art. 22, Law on Energy) o A license holder has to submit for Commission approval a program and a schedule of events aimed at ensuring compliance with safety and environmental norms. (Sub-item b), Pt. 1, Art. 23, Law on Energy) o A license holder has to present for coordination to the Commission investment development programs in order to get the Commission's opinion with respect to inclusion (full or partial) or refusal to include investments in tariff calculation. (Sub-item h), Pt. 1, Art. 23, Law on Energy) o A license holder has to submit for Commission approval methodologies of calculation of inevitable technological losses, specific consumption of fuel, energy and natural gas for own needs, as well as other values representing tariff elements. (Sub-item i), Pt. 1, Art. 23, Law on Energy) o According to forms and procedures developed by the Commission, a license holder submits to the Commission reports on other information and necessary substantiating documents related to licensed activities. (Art. 23, Law on Energy)
BiH	The State Electricity Regulatory Commission ("SERC") collects different data of technical, economic and legal nature.
Croatia	According to the Rulebook on the data the energy undertakings are obliged to submit to the Council for Regulation of Energy Activities, Article 8, the energy undertaking shall submit the following documentation to the Agency: balance of payments, profit and loss accounts, notes referring to business results in the previous period, financial plans (revenues and expenses) and other analytical materials related to business operations, if those have been adopted by the management board of the energy undertaking. Article 12 of the Rulebook requires the energy undertaking as the holder of the public service obligation to submit the data to the Agency on a quarterly basis, which serves as the basis for supervision over the implementation of the tariff system and refer to the carried out measuring, technical and economic effects and influence of the approved prices to the energy undertaking's business results in the previous quarter. Article 13 of the Rulebook requires the energy undertaking to submit to the Agency a review of the realization of the 3-year plan of construction, maintenance and usage of energy facilities, verified by an independent auditor and submitted to the Agency by the energy undertaking together with submitting the request for carrying out energy activities. The Rulebook obliges the data energy undertakings to submit to the Agency, with reference to particular energy activities: o Energy undertaking for electricity supply (the supplier) shall submit to the Agency a detailed review of its eligible customers, contracts with eligible customers on electricity supply, contracts with the energy undertaking for transmission and/or distribution of electricity o Energy undertaking for electricity production shall submit to the Agency all necessary data, and when it intends to conclude a contract on delivery with a customer, i.e. supply of electricity and has not been able to access the network and plan the construction of the new line with previous consent by the Agency o The market undertaking shall submit to the Agency the review of eligible customers that buy energy on foreign markets, the contracts on supply between suppliers and eligible customers, the contract with the energy undertaking for electricity transmission and/or electricity distribution o The system undertaking shall submit to the Agency all relevant information on future needs for electricity in

TABLE 2. CATEGORIES OF DATA THE REGULATOR COLLECTS FROM LICENSEES	
	cooperation with the market undertaking and other operational information of interest for the Agency, as well as the information related to objections to its work and their settlement o Energy undertaking for natural gas supply shall submit to the Agency a detailed review of the eligible customers that buy gas from its company, contracts on gas supply with eligible customers, the contract on the energy undertaking for gas transportation o Energy undertakings that deal with supply, i.e. trade with natural gas shall submit to the Agency calculations for purchasing price of gas, the review of total amounts of gas planned for supply, the average rate of exchange for US Dollar to the Croatian Kuna at the Croatian National Bank, the trading margin and other data at the request of the Agency o Energy undertakings that carry out oil transportation through oil pipelines and transportation of oil derivatives through product pipelines shall submit to the Agency all relevant information regarding technical conditions for access of legal and natural persons to their transportation capacities, all relevant information regarding the tariff for transportation of oil through oil pipelines and transportation of oil derivatives through product pipelines passed by the Agency, and especially: detailed data on expenses that will be calculated according to the internationally accepted standards, data on negotiated economic and financial conditions, data on the implementation of any other recognized method or the combinations of these methods o The holder of the concession for oil and gas production and the facility owner for oil and gas production and storage in the geological structures shall submit to the Agency all data related to the access and usage of the system for production of natural gas, especially in the cases when that is to be regulated by a contract between the person requesting the access to the system and the concession holder and the facility owner with the Agency's consent o The energy undertaking for gas supply shall submit to the Agency the contract on gas supply, the data related to the planned new contracts on gas supply of the type "ship or pay" and "take or pay", all technical and economic data in cases when it is impossible to get access to the gas transportation system and therefore the construction of its own direct gas pipeline is planned, with the consent of the Agency o The energy undertaking for gas distribution shall submit to the Agency all relevant data regarding its own investment funds spent for construction of gas pipeline system and which the gas distributor can return in the gas price, whereby the council shall give its consent to that part of the gas price and the period of its implementation
Estonia	The regulator has the right to get all the data it needs to perform its functions. Specific kinds of data collected include: o Data on quality of electricity: ➢ 8 questions concerning customer services ➢ 9 questions concerning reliability of energy supply o Data that is necessary to coordinate prices (electricity, gas, heat supply) o Data related to issuance of licenses o Data on measures to ensure equal treatment with other entrepreneurs and consumers in the power sector ➢ Unbundling and audit ➢ Access to networks (third party access) ➢ Execution of duties of the system operator and balance manager
Georgia	GNERC does deliver licenses of import and export of electricity and natural gas and industrials. Licensees, Importers, Exporters and Suppliers shall operate at least cost principle and in accordance with economic efficiency requirements. Each Licensee, Importer, Exporter and Supplier, with the exception of cases stipulated in Paragraph (4) of this Article, shall submit to the Commission, to the Ministry, and make available to the public the following information: a. An annual summary of the Licensee's, Importer's, Exporter's activities for the past year b. An annual work plan for the following year; and c. Other information as the Commission or Ministry deems necessary, except for the cases provided for in the active legislation.
Hungary	**On electricity and heat the following data are required:** o Data on ownership structure of the company o Production (generation), transmission and sales statistics of electricity and heat o Financial, accounting and tariff calculation data relating to the activity subject to license o Technical data (and change in those) of the equipment used in connection with carrying out the activity in the

TABLE 2. CATEGORIES OF DATA THE REGULATOR COLLECTS FROM LICENSEES	
	license o Feedstock and stockpile data of energy carriers used in generation of electricity and heat o Generation capacity data o Data on interruptions, service quality, and customer satisfaction o Data on staff and employees o Grid development data **On natural gas the following data are required:** o Data on ownership structure of the company o Production, transmission, distribution and sales statistics of natural gas o Financial, accounting and tariff calculation data relating to the activity subject to license o Technical data (and change in those) of the equipment used in connection with carrying out the activity in the license o Volumes of injected, withdrawn and stored volumes of gas in domestic and foreign underground gas storages o Capacity data of the interconnected gas systems o Data on interruptions, service quality, and customer/client satisfaction in transportation, storage, distribution and supply of gas o Data on staff and employees o Data on amount and use of customers' financial contribution to grid development o Data on customer disconnections o Yearly balance sheet audited o Data necessary to set up sequence of restriction o Data relating to long term development of the interconnected gas grids o International data supply of the license holders o Data of distribution and supply of companies with piped LPG o The monthly surplus income from gas volume nominations of the license holders
Kazakhstan	o The authorized body requests from the subject of the natural monopoly necessary information with indication of terms for its submission for the purpose of detection and/or confirmation of relevant facts, including making a decision on approval of a temporary compensatory tariff to compensate consumers for losses caused by a subject of the natural monopoly by unlawful increase of the tariff (price, fee) or its cap level and/or by inclusion in the tariff (price, fee) or its cap level the cost of work not performed, by non-targeted use of depreciation charges stipulated in the tariff estimate, deviation from execution of cost items of the tariff estimate by more than 5% from the approved values; written justification of the refusal to accept for examination an application of a subject of the natural monopoly on approval or modification of tariffs (prices, fees) or their cap levels; conducting public hearings while examining applications of subjects of natural monopolies for approval of tariffs (prices, fees) or their cap levels; conducting financial and/or technical expert tests with involvement of independent experts, state bodies according to the set procedure. o Written justification of a refusal to accept for examination an application of a subject of the natural monopoly concerning approval or change of tariffs (prices, fees) or their cap levels. A subject of the natural monopoly together with the application for approval of the tariff has to submit economically justified calculations and other information in details specified in the Tariff Setting Rules. o Draft tariff estimates, tariffs (prices, fees) for regulated services (goods, works) or their cap levels; information on the reasons for increases of tariffs (prices, fees) for regulated services (goods, works) or their cap levels with economically justified calculations. o The authorized body has the right to request additional information, conduct comparative analysis of normative technical losses, technical and technological norms of consumption of raw materials, materials, fuel, and energy of entities involved in similar activities. Meanwhile the period for examining the application is suspended until the requested information is received. o When the authorized body examines an application on approval of the tariff of a subject of the natural monopoly,

TABLE 2. CATEGORIES OF DATA THE REGULATOR COLLECTS FROM LICENSEES	
	subject of the natural monopoly has to file, in addition to the application and draft tariffs and tariff estimates, economically justified calculations, as well as materials on expenses and revenues of the enterprise, reports, including those on execution of tariff estimates, balance sheets, planned expenses, designed capacity, information on revaluation of fixed assets, analysis of financial and economic activities of the applicant based on the balance sheet and the explanatory note for the previous period (quarter, six months, year), bilateral settlement reconciliation report as of the first day of the current month between a consumer and the pipeline company, forecasted levels of revenues, etc. When a subject of the natural monopoly makes procurement costs which are taken into consideration in tariffs, the entities have to file annually the list of planned purchases until the tender is conducted. On a quarterly basis, by the tenth day of the month following the reporting quarter, the entity submits to the authorized body all information on made procurements according to the form envisioned in the Procurement Rules. (Reorganization or liquidation of a regulated entity triggers collateral data requirements not repeated here)
Kosovo	The Licensee shall submit to ERO, such information and such reports as ERO may consider necessary. ERO has the power to require information that is considered confidential under or pursuant to any other Article or Condition of this license or under or pursuant to the applicable Legislation.
Kyrgyz Republic	The Agency monitors operations of regulated enterprises in order to identify weaknesses and strengths in a company's work, and also to identify competitiveness in the market; for the purpose of thorough analysis of economic and financing activities during the reporting period and for the purpose of elaborating further recommendations concerning rehabilitation and improvement of the existing situation. The Agency monitors not only the financial part of the energy sector, but also the situation with the legal framework (legislation), as conditions for market development are created through laws and regulations. The approved reporting template, which the Agency uses to collect data from the regulated entities, has five major aggregated groups of indices: o *Electricity balance* ➢ Generation – transmission – distribution of electricity ➢ Losses of electricity from generation to sale to consumers ➢ Useful consumption o Billing at existing tariffs o Collection of payment for sold electricity o Actual costs of companies o 5 section – Payables and receivables of companies with respect to received electricity On the basis of monthly reports on technical and economic indices the following key components are analyzed: o Level of electricity losses in the course of generation, transmission and distribution o Productive supply of electricity or consumption by various groups of consumers o Correctness of billing by consumer groups, sources of revenues o Level of collection of payment for sold electricity o Actual use or implementation of cost items planned in the tariff o Profits or losses of the enterprise during the reporting period o Meeting obligations by companies in terms of repayment of credits and also in terms of repayment of debts to the budget of the republic o Dynamics of receivables for each company o Collection of cash though an authorized bank
Latvia	Data provided for the purpose of monitoring: *All companies:* o Annual Account of Undertakings o Summarization of complaints received from users about given social services (amount of complaints, character, and solution of the problem) o The balance sheet, the profit or loss account and the cash flow statement o The plan of activities of protection of environment ensuring and report of activity plan of protection of environment ensuring fulfilment in pervious year *Transmission and Distribution System Operator:* o Investment plan and report about the plan fulfilment in previous year o Report about technical and operative indexes and electrical transmission volume/amount

TABLE 2. CATEGORIES OF DATA THE REGULATOR COLLECTS FROM LICENSEES	
	o Service quality ensuring plan and report about electrical transmission and (or) distribution service quality providing/ensuring plan fulfilment in previous year *Transmission System Operator:* o Report about activities which have been done to prevent unequal attitude towards system users o Report about transmission system supply and use/consumption accordance and state electrical transmission security and its providing with production power estimation in a period of 10 years *Traders:* o Report about fulfilled electrical amount o Report about income of end tariffs of electrical differentiated realization o Electrical supply quality providing plan and report about electrical supply quality providing plan fulfilment in previous year *Producers:* o Investment plan and report about investment plan fulfilment in previous year o Annual report and report about technical and operative indicators o Additionally to previously mentioned Commission is competent additionally require and in stated date receive any other necessary information
Lithuania	General rule for data access stated in The Law on Energy (Article 19, Para 1): "The state institutions and agencies, for the performance of the functions assigned to them, shall have a right to obtain the relevant information from energy enterprises. Energy enterprises shall provide, in accordance with the established procedure, information to state and municipal institutions, agencies, appropriate associations and third parties". Such functions of NCC are (Energy Law, Article 17, Para. 5): o approve the methodology for setting state regulated prices o set state regulated price caps o control the application of state regulated prices and tariffs o approve charges for connection of energy facilities (networks, systems and equipment) o have the right to introduce unilaterally state regulated prices where energy enterprises are not in compliance with the requirements for setting of these prices o when setting the state regulated prices shall take account of the return on investment and justification for operating expenditure; o approve the purchase price for electricity generated from renewable energy resources o grant, suspend and revoke licenses for transmission, distribution, storage and supply of energy, and check the licensed activities of energy enterprises o have the right to submit proposals to the Government, the Ministry of Economy and municipalities in respect of the licensed activities of energy enterprises o have the right to obligate energy enterprises to conclude contracts for transmission, distribution or supply of energy where energy enterprises refuse to a third party to provide services or to supply energy to customers In 2006 NCC adopted Rules for Licensed Energetic Entities on Providing Information. These Rules detail collection of information that NCC needs to fulfill its monitoring role (data on continuity of supply and service quality, financial statement and audit of expenditure etc.). Also there are various templates added.
Macedonia	According to the point 3 and 4, Article 24 of the Energy Law: (3) The holder of the license for pursuing relevant energy activity shall be obligated to report to the Regulatory Commission, in a manner, form, and terms, as defined in the license granted. (for example an electricity generator; This license holder is liable to inform the Regulatory Commission on a monthly and quarterly basis on the quantity of: o generated end delivered energy o fuel for this production o system services o balance energy o self consumption o Number and time of interruptions; contracts for selling: energy, demand of capacity and system services) (4) The reports from Point 3 of this Article are submitted within deadline of five working days after the expiring period referred to in the report and the annual reports are submitted within the deadline determined with the license.

TABLE 2. CATEGORIES OF DATA THE REGULATOR COLLECTS FROM LICENSEES	
	According to the point 1, Article 35 of the Energy Law: (1) The license holder is liable to inform the Regulatory Commission on the envisaged substantial modifications in its legal status, ownership structure and technical and economic-financial operation not later than three months prior to their occurrence.
Moldova	o Article 7, para 1, of the Law on Electricity stipulates that for the purposes of efficient performance of its functions envisioned in the law, the Agency has the right: c) have access to documents related to activities carried out in accordance with the license, including those that contain information representing a state or commercial secret d) to get from holders of licenses copies, abstracts from documents named in item c), and also additional information o According to Article 16 of the same law, a license holder has: ➢ to present to the Agency annual reports according to the format and on terms set by the Agency, and also, upon the request of the Agency, other information that the Agency might need to carry out its functions in accordance with the legislation o Article 36 of the Law on Electricity stipulates that license holders have to submit to the Agency the information necessary for it to perform its activities related to monitoring of accuracy of accounting for incurred costs and calculation of regulated tariffs. Similar terms and conditions are set in the Law on Gas #136, of September 17, 1998.
Mongolia	The ERA requests a series of data for each licensed activity based on monthly, quarterly performance indices and annual report about licensee's functioning performance and compliance with the license terms and conditions. o Data based on monthly performance indices includes data related to: profit, loss, liabilities & receivables, power plant's own power consumption rate (%), rate of transmission & distribution losses and data related to the performance on SAIFI, SAIDI and CAIDI o The licensees are requested to deliver to the ERA quarterly data such as technical and economical parameters, financial statements and other necessary information for regulator o Data requested on an annual basis includes audited financial statements and report on compliance with the license terms and conditions.
Montenegro	The Regulator collects data relating to quantities of electricity generated, transmitted, distributed and sold, than data on expenses raise from these functions, data on losses, etc.
Poland	The full range of data collected by Regulator is really large. The different type of data is connected with different type of his activity, which can be described as the following: *1. Procedure Of Tariff's Approval* In this area of Regulator's activity the data presented by enterprises must obey the regulation of Art. 44-46 of Energy Law. Respect to Art. 45 Section 1 energy enterprises shall determine the tariffs for gaseous fuels or energy following the scope of their business activity; the tariffs are to be calculated in a way that ensures o covering the justified expenses of the business activity of the energy enterprises related to the generation, transformation, transmission, distribution and trade in gaseous fuels and energy and the storage, liquefaction or regasification of gaseous fuels, including a justifiable return on investment from such activity o covering the justified expenses borne by the transmission and distribution system operators in relation to the execution of their tasks o protecting the customers against an unjustified increase of the prices and fee rates The rules and methods of creation and calculation of tariffs are specified in the ordinances of Minister of Economy. The tariffs presented for approval should be prepared according to provisions of these ordinances. In procedure of tariff's approval the Regulator obtain from enterprises detailed information connected with cost's calculations and settlement's methods with customers. Several documents presented by enterprises are signified as "commercial confidentiality". *2. Procedure Of Granting And Revoking Licenses* The Energy Law defines conditions which should be fulfilled by entity to obtain the license. According to of Energy Law (Art. 33), the license could be granted to an applicant who: o has the principal place of business or the place of residence on the territory of a Member State of the European Union or a member state of EFTA – a party of the European Economic Area Agreement o can use financial resources at the value which ensures a correct performance of their activity or is able to document

TABLE 2. CATEGORIES OF DATA THE REGULATOR COLLECTS FROM LICENSEES	
	the ability to acquire such resources o has the technical potential ensuring the correct performance of their activity o can ensure the employment of persons with appropriate professional competences o has obtained a land development conditions decision (a planning permission) for the area o On the other hand, the license may not be granted to an applicant who: ➢ is in the course of insolvency or bankruptcy proceeding ➢ who has had their license for the statutory activity revoked within the last 3 years (e.g. for reasons of serious breach of law) or who has been deleted from the business activity register within the last 3 years ➢ sentenced with a final and binding sentence of a court for a crime related to the subject of their statutory business activity In order to confirm all conditions an applicant should present different documents. It is important, that the licensing body could request only documents required on the base of other regulation of law, e.g. o extract from National Judicial Register (where the commercial companies created according to Commercial Companies Code are registered) or Register of Enterprisers (where other enterprises are registered) o confirmation from the commercial bank that the applicant has a sufficing financial founds, certification from the proper Tax Office and Social Insurance Office, which confirm that the applicant hasn't any debts towards the State, tax declaration and balance sheet from previous three years (if it is possible) – for confirmation of his financial ability o decisions needed under provisions of Space Economy Law, Construction Law, Environment Protection Law etc. – for confirmation of his technical potential ensuring the correct performance of licensed activity o certifications enjoyed by applicant's employees needed for practices in their work *3. Solving Disputes And Imposing Of Fines* In this area of activity the President of ERO obtain the different information depending on the kind of dispute or the kind of misdemeanor. This data are presented on request of Regulator not only by energy enterprises but also by customers and other bodies (community, police, State Business Inspection etc.). The information presented during the administrative proceeding are e.g.: o the contracts and project of contracts o conditions of connection to the grid o the community decision about space developing plan (when the dispute concerns the connection to the grid or sale of energy or fuels) o the notifications about committing offence, in several cases – court verdicts (when the dispute concerns the suspension of energy or gas supply) o the notification from Regional Business Inspection about bad quality of fuels offered by licensed enterprise (when administrative process concerns imposing fine for this offence) o and the other documents from the officials or privates The Energy Law does not define the deadline for presentation of information. Schedule requirements depend on the kind of data and on the purpose they are requested. Some of them are connected with fulfilling of Regulator's temporary duties; other may be requested only on requirement in individual administrative proceeding (e.g. procedure of granting license or solving dispute).
Romania (Elec)	*Execution of the License* During the execution period of the authorisation/ license, the company has the obligation to set up and hand over to the Competent Authority technical and financial reports on the authorised/licensed activity. These reports have to be drawn up based on the Financial Reporting Procedure and Performance Reporting Procedure, issued by ANRE. *Tariffs* The license holders shall draft the proposals for the regulated prices and tariffs for electricity and for heat from cogeneration in compliance with the methodologies issued by the competent authority, and shall send the proposals to the competent authority, together with the substantiation documents issued in the standard format set by the latter. The license holders shall send the competent authority all the necessary information used in the process of substantiating the request and shall ensure the access to these data of the competent authority's representatives. Mainly, these data are related to costs and incomes, energy balance sheet, network length, numbers of transformers or other technical data. *Monitoring*

TABLE 2. CATEGORIES OF DATA THE REGULATOR COLLECTS FROM LICENSEES	
	ANRE monitoring activity refers mainly to: o Interconnection allocation capacity rules, in cooperation with regulatory authorities from the countries with which the National Electricity System is interconnected o Congestion management in the National Electricity System o The level of losses in the network system o The fulfillment of the network operator's investment programs o Duration of the works for the connection to the transmission and the distribution networks by the involved operator and the duration for the re-connection after repairs o Publication by the transmission system operator and by the distribution operator of adequate information regarding interconnection capacities, network use and allocated capacity, while preserving the confidentiality of the specific commercially sensitive information o Effective separation of accounts, between the regulated and non-regulated activities, in order to avoid cross-subsidies among electricity generation, transmission, distribution and supply o Terms, conditions and tariffs for connection of new electricity producers, in order to guarantee that these are objective, transparent and non-discriminatory o Level of transparency and of competition related to the functioning of the electricity market o Financial and commercial data regarding the wholesale electricity market participants
Romania (Gas)	o The following data and documents are collected when the regulator approves prices and establishes regulated tariffs for a specific distributor/transporter/supplier: (1) balance sheet; (2) consumption forecast; (3) operative expenditures forecast; (4) tangible assets; (5) invoices for purchasing natural gas; (6)invoices for paying the services
Russia	From network organizations and energy supply organizations, the regulator collects the following data: o on generation of electricity o on generation of heat o on transmission of electricity through distribution networks o on transmission of heat o on technological connection to power networks o on operational dispatch control in the power sector o on sale of electricity o on sale of heat o electricity balance o electric capacity balance o balance of demand and supply with respect to heat o thermal capacity balance o accounting and statistical reports for the previous regulatory period o calculation of productive supply of electricity and heat with justification of the amount of electricity used for own and productive needs and for transmission (losses) through networks o data on the structure and prices of consumed fuel, taking into account its transportation o calculation of expenses and necessary gross revenue from regulated activities with annexed economic justification of source data (with indication of applied norms and standards for calculations) developed in accordance with methodological instructions approved by the Federal Service for Tariffs o calculation of tariffs for certain services provided in the electricity and heat markets o an investment program (draft investment program) with justification of the need in funds necessary for direct funding and servicing of the borrowed capital o assessment of the amount of abnormal or additional revenues received during the previous regulatory period identified on the basis of official statistic and accounting reports or upon the results of inspection of economic activities of organizations performing regulated activities With respect to organizations that provide infrastructure services in the wholesale market, the regulator collects the following data: The system operator (operational dispatch control) presents: o amount of installed capacity o calculation of labor remuneration expenses o calculation of depreciation charges for restoration of fixed production assets

TABLE 2. CATEGORIES OF DATA THE REGULATOR COLLECTS FROM LICENSEES	
	o estimate of expenses attributed to services of the subject of operational dispatch control that decrease taxable profit; o calculation of sources of funding of investments o a certificate on financing and use of investments o calculation of necessary balance sheet profit o calculation of economically justified size of payment for services of the System operator o production development investment program coordinated in due manner o calculation of the amount of abnormal revenue or additional profit received during the previous regulatory period identified on the basis of official reports or upon the results of inspection of economic activities o accounting reports as of the last reporting date o other substantiating materials and calculations, norms and standards for calculations of certain expense items according to the list set by the regulatory body Trading system administrator: o volume of sale and supply of electricity in the wholesale market o calculation of depreciation charges for restoration of fixed production assets o calculation of labor remuneration expenses o estimate of expenses attributed to services that decrease taxable profit o calculation of sources of funding of capital investments o a certificate on financing and use of capital investments o calculation of necessary profit o calculation of economically justified size of tariff for services o production development program (capital investment plan) coordinated in due manner o calculation of the amount of abnormal revenue or additional profit received during the previous regulatory period identified on the basis of official reports or upon the results of inspection of economic activities o accounting reports as of the last reporting date o other substantiating materials and calculations, norms and standards for calculations of certain expense items according to the list set by the regulatory body RAO UES of Russia as an organization that provides services related to functioning and development of the United Energy System of Russia presents the following materials: o calculation of productive supply of electricity by constituents Of the Russian Federation o calculation of volumes of export of electricity o estimates of expenses of RAO UES of Russia on provision of services related to organization of functioning and development of the United Energy System of Russia o calculation of depreciation charges for restoration of fixed productive assets o calculation of labor remuneration expenses o calculation of sources of funding capital investments of RAO UES of Russia o a certificate on financing and use of capital investments o calculation of profit of the RAO UES of Russia from provision of services on organizing functioning and development of the United Energy System of Russia o calculation of the necessary gross revenue of the RAO UES of Russia from provision of services related to organization of functioning and development of the United Energy System of Russia o calculation of the subscriber's fee of the RAO UES of Russia.
Serbia	With respect to data that is to be collected from the licensees for monitoring purposes, the Energy Law of the Republic of Serbia ("OG of the Republic of Serbia" No. 84/2004) provides the general framework for data collection by the Energy Agency of the Republic of Serbia (hereinafter: the Agency or AERS) in Article 16, Para 1: ***"The Agency is authorized to request from energy entities data and documents necessary for conducting its activities stipulated by this Law. Energy entities are obliged to deliver this data to the Agency within eight days from the date of request for data submission."*** **In order to understand what this means, it is necessary to examine the activities assigned to the regulator. The activities of AERS are stipulated in Article 15 of the Energy Law; Articles 46 and 48 also are of some importance for understanding the role of AERS in terms of monitoring. Article 15, *inter alia,* empowers AERS to pass tariff systems for electricity and natural gas for tariff customers and**

TABLE 2. CATEGORIES OF DATA THE REGULATOR COLLECTS FROM LICENSEES	
	for access and use of the grid; to establish the methodology for defining tariff elements for electricity, natural gas and production of heat in co-generating plants, for determining costs of connection to the grid; to issue licenses for conducting energy-related activities; to decide complaints regarding the denial of third party access, connection to the grid or natural gas storage; to define eligible customer status (i.e. the threshold, in terms of annual consumption, for obtaining this status) and keep the register of eligible customers; to monitor implementation of tariff systems, to collect and process data on energy entities with reference to performing energy-related activities, to monitor the behaviour of energy entities regarding separation of accounts and protection of customers. Article 46 sets forth the criteria by which licenses are granted, including technical, financial and staff training requirements. An energy entity must submit proof that it meets these criteria upon application of a license. Article 48 addresses the AERS' responsibility to ensure that the conditions of Article 46 continue to be met for the duration of the license and sets forth the grounds upon which suspension and temporary suspension, for failure to meet these criteria, may be imposed. AERS is always the body that decides on the suspension or revocation of a license; but with respect to most technical criteria (Art. 46, Para. 1, 1-3), AERS acts only upon the proposal of competent inspectors. Such inspectors have a monitoring role and can propose temporary license suspension, though AERS may initiate monitoring to be conducted by the inspectors. With respect to criteria that does not fall directly into technical categories (Art. 46, Para. 1, 4-6 regarding funding levels or sanctions, Art. 15 and Art. 48 with respect to failure to determine the price of energy services in conformity with the tariff system), the AERS has a proactive monitoring role. AERS has developed technical data templates to collect information that it needs to fulfill its monitoring role. These templates include various technical parameters, and are numerous; they include, *inter alia*, for electricity generation: basic technical data (such as nominal power per generating unit (MW), nominal power at the grid entry point (MW), technical minimum of a generating unit(MW), technical minimum of a generating unit at grid entry point (MW), maximum reactive power-inductive (Mvar), maximum reactive power-capacitive (Mvar), self-consumption (%), basic fuel, subsidiary fuel, level of emissions (CO2, SO2, particles, etc.); planned and accomplished production – given by generating unit, maximum and minimum power per generating unit at grid entry point (MW), production of electricity at generating unit level (GWh), production of heat if applicable (MWhT), self-consumption (GWh), delivery of electricity to the grid (GWh), extracting electricity from the grid (MWh); data on capacity for the purpose of regulation – primary, secondary and tertiary (MW), necessary amount of primary an subsidiary fuel, etc.); unavailability – given by generating unit for annual period with monthly breakdown.
Turkey	The regulator collects data regarding: o financial strength of the legal entity and its financial resources o performance of the applicants o the technology to be used o total efficiency o generation potential o generating facility Submission of the required data regarding the bilateral agreements concluded with the customers to the Market Financial Reconciliation Center within the framework of the Balancing and Settlement Regulation. *The licensees shall be obligated to submit to the Market Financial Reconciliation Center the necessary data regarding the bilateral agreement concluded among themselves and with eligible consumers.* *Metering systems configuration*: the rules containing information regarding which metering system data shall be considered in order to calculate settlement volume of a settlement aggregation entity, whether the metering systems are in supply or withdrawal direction and loss factors related to the metering systems. *Associated data*: Parameters that specify performance characteristics of a balancing mechanism entity regarding synchronization, de-synchronization, ramp up, ramp down and delivery of an instruction, that are submitted to NLDC within balancing mechanism. The bids and offers shall be accepted or rejected after being evaluated with due regard to bid and offer prices, loading – de-loading requirements, system constraints and associated data of the balancing mechanism entity in a non-discriminatory manner between the market participants. **Market Financial Settlement Center (MFSC):** The unit under the body of TEIAŞ that shall operate the settlement side of balancing and settlement system by calculating

TABLE 2. CATEGORIES OF DATA THE REGULATOR COLLECTS FROM LICENSEES	
	amounts payable or receivable by legal entities operating in the market, based on differences between actual purchases and sales as a result of the real time physical balancing of energy supply and demand by NLDC, in accordance with the provisions of the relevant legislation, **National Load Dispatch Center (NLDC):** The unit under the body of TEIAS in charge of real-time balancing of electricity demand and supply. According to both Electricity Market and Natural Gas Market Law, the Regulator can request any kind of data regarding the market activities from the legal entities that are engaged in the market. The data that is required for license applicants is determined in the licensing regulation the other relevant provisions regarding Market Reconciliation Center take place in the "*Balancing and Settlement Regulation*".
Ukraine	In accordance with NERC Decree of November 21, 2005, No. 1044 "On approval of forms for reporting to NERC", licensees submit to the Commission the following reporting forms: *I. In the energy sector:* 1-NERC "Report on use of fuel by the holder of the license for generation of electricity and heat" 2-NERC "Reporting data on the volumes of transmission of electricity through local power networks and normative technological use of electricity by voltage levels I - II" 3-NERC "Report on electricity supplier's payment for use of local power networks" 4-NERC "Reporting and estimate data on the productive supply of electricity by groups and classes of consumers" 5-NERC "Report on settlements for consumed electricity" 6-NERC "Report on licensed activities of subjects of economic activities related to generation of electricity and heat" 6-NERC "Report on financial results and execution of budget estimates related to licensed types of activities" 7-NERC "Report on settlements for electricity purchased by suppliers in the wholesale electricity market and supplied to consumers" 9-NERC "Report on payments for electricity from the population and localities" 11-NERC "Report on use of cash by types of licensed activities" 13-NERC "Report on inflow of cash from licensed activities" 14-NERC "Report on payment of current fee for licenses granting the right to perform entrepreneurial activities in the power sector" 15-NERC "Report on losses caused by damage of transmission line equipment and transformer substations resulting from natural calamities, technological disasters and unlawful actions of some third persons" *II. In the oil and gas sector:* 1-NERC-gas "Report on the volumes of supply of natural gas by suppliers of natural gas to consumers at the non-regulated tariff" 2-NERC-gas "Report on settlements of a license holder with owners of natural gas, and of consumers with the license holder for consumed natural gas" 3-NERC-gas "Report on the volume of natural gas injected in the underground gas storage facilities" 4-NERC-gas "Report on licensed activities of economic entities related to transmission, storage, distribution of natural gas and its supply at the regulated tariff" 4-NERC-oil "Report on licensed activities of economic entities related to transportation of oil through main pipelines" 5-NERC-gas "Report on the situation with payments for consumed natural gas" 6-NERC-gas "Report on the volumes of natural gas in underground gas storage facilities" 7-NERC-gas "Report on accrual of payments from consumers for natural gas and allocation of funds in accordance with the algorithm" 8-NERC-gas "Report on receipt of funds in the current account of license holders".

TABLE 3. CATEGORIES OF DATA THE REGULATOR COLLECTS FROM ENTITIES AND INDIVIDUALS WITHOUT A LICENSE FROM THE REGULATOR	
Country	
Albania	Ministry responsible for energy, agencies and non-government association, for customers, etc.
Armenia	1. The Commission sets forms and a list of documents that have to be presented to the Commission in order to obtain a license. (Part 1, Art. 23, Law on Energy) 2. Pursuant to a set procedure, the Commission requires license holders and persons who filed a license application to file all data and information that are necessary to issue licenses, set tariffs, discuss disagreements and clarify other issues. (Sub-item k), Art. 17, Law on Energy) Other necessary information can be found on the Commission website: www.psrc.am
BiH	SERC may request data and information necessary for furtherance of its work from entities and individuals without a license from SERC.
Croatia	The energy undertaking requesting a license for carrying out of an energy activity submits a request to the Agency, using the prescribed form. The energy undertaking has the obligation to attach the following documentation, based on the Article 10 of the Rulebook: o Registered commercial court certificate as a proof that the energy undertaking is registered for carrying out the energy activity for which it requests the license o Certificates from other authorities proving the fulfillment of conditions of technical qualifications for carrying out of an energy activity referring to facilities, buildings machinery and the equipment for carrying out of an energy activity, as well as the implementation of technical and security regulations and valid contracts concluded with other persons that have influence to energy undertaking's technical qualifications o Documentation that shows the fulfillment of conditions of professional qualifications for carrying out of an energy activity and proving that the energy undertaking has staff that fulfills conditions prescribed by regulations on technical and work safety o The form BON 1 with the financial data and business results of the energy undertaking for the last two years o The form BON 2 (data on business solvency) with the data on revenues and the financial situation on the bank account, proving that the energy undertaking's equity is sufficient to carry out an energy activity or the business bank's statement on reality of providing sufficient finances by the energy undertaking o A three-year plan of construction, maintenance and usage of energy facilities, approved by an independent auditor o The contract on concession for carrying out of energy activities, in case the particular energy activity is carried out based on the concession o The decision of the relevant inspector ordering the elimination of detected faults and a certificate proving that the detected faults have been removed o The Municipal Court's certificate of no criminal record for members of the management board of the energy undertaking, i.e. responsible physical person – craftsman, showing that in the last five years they haven't been convicted of a crime related to the energy activities
Estonia	The regulator has the right to get all the data it needs to perform its functions. In everyday life we sometimes collect data for inspection from contractors.
Georgia	Licensing procedures and rules are regulated by 4 main documents. These are: *Georgian Law on Electricity and Natural Gas* *Georgian Law on Licenses and Permits* *GNERC Resolution #3 from Aug. 23, 1999 "On Licensing rules in electricity and natural gas sectors"*. *GNERC Resolution #12 from Aug. 7, 2003 "On administrative procedures of Georgian National Energy Regulatory Commission"*. Present licensing rules and procedures are stipulated in the *Georgian Law on Electricity and Natural Gas* /Article 5/. The Commission shall be entitled to issue permanent Licenses for the following activities: o electricity generation o electricity dispatch o electricity transmission o electricity distribution o natural gas transportation o natural gas supply Electricity Generation, transmission, dispatch, distribution, as well as natural gas transportation and distribution without the relevant License shall be forbidden, except for the cases described in Paragraph 3 of Article 5 (Georgian Law on Electricity and Natural Gas).

TABLE 3. CATEGORIES OF DATA THE REGULATOR COLLECTS FROM ENTITIES AND INDIVIDUALS WITHOUT A LICENSE FROM THE REGULATOR	
Country	
	Person, who generates electricity only for its own consumption and is not connected to the transmission or distribution grids, is not required to obtain the license. o Documents to be submitted by the License Applicant o Competence Required; General License Provisions; Discontinuation of Service o Rights and Duties of Licensees, Importers, Exporters; Information Filings o Electricity Metering, Sales, Metering Equipment o Disputes o Modification and Revocation of License o Restrictions on Ownership of Shares and Licensees; Restricted Transactions For more provisions and conditions for licensees see Georgian Law on "Electricity and Natural Gas", Article 6 *Documents to be submitted by the License Applicant* In addition to the requirements set under other legal acts and necessary to obtain a License, License Applicants stipulated in this Law shall submit the following documents together with the License application: a. document certifying possession (usage) of production assets b. audit report on the technical condition of the production assets c. the list of fixed assets and audit report on the liquidity of the enterprise d. report of the relevant environmental institution on compliance with the environmental requirements e. technical conditions for connection to the electricity or natural gas network (except electricity dispatch licensees) f. scheme of the electrical or natural gas network, relevant to the license application (except electricity dispatch licensees) The report specified in Paragraph 1(d) of Article 5 (*Georgian Law on Electricity and Natural Gas*) shall be obtained by the License Issuer based on "One Stop" principle stipulated in the *Law on Licenses and Permits*. Issuer of the Conditions specified in Paragraph 1(e) of Article 5 (*Georgian Law on Electricity and Natural Gas*) shall be defined in compliance with Licensing rules.
Hungary	N.A.
Kazakhstan	When an entity files an application with the authorized body in order to get consent for execution of some other activities, the following information is filed alongside with the application: a substantiating note to the petition with indication of reasons for performing this type of activity; analysis of financial and economic activities of the entity for the previous year, including the balance sheet with an explanatory note to it, an income statement, a cash flow statement, auditor's opinion, information on the financial situation of the entity in the current year, including information on revenues and expenses of the entity by types of activities, data on forecasted revenues and expenses from planned other activities and results of financial and economic activities of the entity (if other activity is to be carried out for the first time); calculation of revenues of the entity from provided services (manufactured goods), including those from other activities, materials on the volumes of provided services in natural terms by consumer groups; on availability of fixed assets for carrying out other activities named in the petition; opinion of a competent body regarding consequences of carrying out other activities; a copy of the most recent auditor's opinion and annexes to it; costs, which in case of approval of the petition would be assigned to other activities. Similar information is required in case of a petition on getting consent of the authorized body for the entity to acquire – not for its own needs – goods (works, services) transported or transferred by it.
Kosovo	Different data on different basis.
Kyrgyz Republic	In order to obtain a license, an applicant has to file the following documents to the Agency: o An application according to the set format, which contains: • A copy of the state registration certificate • Legal entities register with judicial authorities • Physical persons register with the state statistic bodies • In a relevant state – for foreign physical persons and legal entities that are not registered as legal entities or individual entrepreneurs in the Kyrgyz Republic в • A copy of the charter (only legal entities), copies of constituent documents • Documents evidencing payment of the fee for processing of the application (Som 300 for one type of activities) • A certificate from the tax inspectorate on registration (a copy of the document on assigning of INN) • Act on balance responsibility (Battery limit act) • Contracts with suppliers (supply organization), contractors

TABLE 3. CATEGORIES OF DATA THE REGULATOR COLLECTS FROM ENTITIES AND INDIVIDUALS WITHOUT A LICENSE FROM THE REGULATOR	
Country	
	• Opinion of the State Energy Inspectorate on the technical condition of power installation in terms of compliance with PTE, PTB • An explanatory note with description of possibilities and qualification level of the applicant willing to get a license • Full information on material and technical equipment (if to perform licensed activity equipment of other organizations is going to be leased or used, then copies of the lease agreement need to be presented) • Data on availability of qualified specialists – to present copies of orders related to the person responsible for electricity, heat, gas issues, who ensure safe performance of the licensed activities (copies of certificates), their length of services (copies of labor record books) • Financial situation with the list of sources of funding • Opinion of state bodies on the sanitary, environmental supervision (when new capacity is commissioned) • Cost accounting: per one kWh of sold or transmitted electricity when obtaining a license for sale, transmission of electricity (per one Gcal when obtaining a license for sale and generation of heat; per 1000 m^3 of natural gas when obtaining a license for distribution, transmission, sale of natural gas) o An agreement with an energy supply organization on interaction in the course of routine switching (depending on the connection scheme and reliability category) o A list of sub-sub-subscribers with indication of: • monthly consumption of electricity • category in terms of reliability of electricity supply • structure and list of normative and technical documents, in accordance with which the licensed activity would be carried out If necessary, the Agency can request additional information.
Latvia	Data provided to the regulator for the purpose of application: o Registration Certificate of the company issued by the Register of Enterprises o Information about the technical provision of the company necessary to provide the regulated service (list of required objects, items and property and their technical characterization) o Documents certifying the qualification of company employees o Permits issued to the company by the regional environmental board of the State Environmental Service and other institutions (generation companies) o Notice from the State Revenue Service about enlisting in the tax payer register and fulfillment of budget obligations o The previous annual report of the company (if the company already operates) and description of planned operation (if the company starts operating) o Description of the structure of users (existing or potential) of public services provided by the company o Verification of rights of use or ownership rights of real estate used for public service provision o Description and map of the desired area of operation of the license – geographical territory. If the area of operation of the license comprises the entire territory of Latvia, the map is not appended.
Lithuania	Specific data requirements for license applicants are prescribed in sectoral licensing rules (usually – data on company's registration, real estate and other internal information, information on financial liability etc.) Also in 2006 NCC adopted Rules on Evaluation of Entities Technical, Financial and Staff Abilities. These Rules are general for all energy sectors (gas, electricity and heat). An energy entity must submit proof that it meets criteria laid down in certain licensing rules and in Rules on Evaluation of Entities Technical, Financial and Staff Abilities upon application of a license.
Macedonia	According to the point 1 and 2, Article 24 of the above mentioned Energy Law: (1) For the purpose of pursuing the activities within the scope of competencies of the Regulatory Commission, the state authorities, local self-government units, and the trade companies performing the activities in the field of energy shall be obligated to provide the necessary documents, data and information upon its request. (2) The documents, data, and information, which are classified as confidential shall be used and maintained by the Regulatory Commission, in a manner determined under this act to protect the confidentiality of such information.
Moldova	In the field of licensing there is Law on Licensing Certain Types of Activities #451, of July 30, 2001, Article 10 -- this law lists documents that license applicants have to submit.
Mongolia	The data that must be submitted to ERA for license application is set forth in detail in the Energy Law, Article 21, Para 2: o Feasibility study

TABLE 3. CATEGORIES OF DATA THE REGULATOR COLLECTS FROM ENTITIES AND INDIVIDUALS WITHOUT A LICENSE FROM THE REGULATOR	
Country	
	o Survey of energy resources to be used for energy generation o Type, quantity and quality of energy to be generated, transmitted, distributed or supplied o Main technical specifications of equipment to be used in operations o Scope of services, boundaries of ownership, the balance of energy generation, supply and consumption o Assessment of the environmental impact o Action plan for environmental protection o Statements of financial capability and resources of the legal entity o Start date, amount of initial investment and sources of financing o Description of skills and experience of technical personnel. In accordance with the Energy Law, a license shall be granted to a financially capable legal entity, which possesses experience or is able to operate in the given field.
Montenegro	Data on economic trends in Montenegro, data on generation, etc., especially with energy undertakings and those who use energy undertakings services.
Poland	See above description of the role of the Regulator with respect to granting licenses, solving disputes and imposing fines.
Romania (Elec)	*Issuing the License* The Competent Authority issues the authorization/license if the applicant provides the Competent Authority with data that are meant to prove: o The existence of a technical and organization framework that allows the fulfillment of the licenses/authorizations conditions o Procurement of financial resources o Provision of a skilled and competent staff o The expected level of the quality of the services o Management capability o Securing people's health and safety o Environmental protection o Energy efficiency of capacities for the activities with a monopoly character These collected data from the applicants are mainly, the following: o The document certifying the founding of the entity o The document certifying the entity registration and the financial report of the applying entity, issued by the Trade Register no earlier than 10 days before the day when the application is handed over to the Competent Authority o The fiscal certificate of the applying legal entity, issued by the County department for Public finance, Bucharest department for Public finance or Department of administration of large size contributors o Environment authorisation or agreement o Photocopies of the previous year's financial report of the applicant's entity; entities founded as branches within the year they apply for authorisation/license should provide the financial report of the mother-entity, but not when the mother-entity is already authorised/licensed; when the applicant is a trade entity owned by or founded by a foreign company, the financial report of that company should be provided as a translation formally certified by a Romanian notary public office o CV for the general manager of the applying entity, describing his or her managerial training and experience in that field o CV for the manager of the applying entity that is responsible for the activity that is to be authorised/licensed, describing his or her experience in that field o A list of applicant's headquarters where the activity takes place o The organisational chart of the applicant, describing the organisation's structure at moment of application o A staffing report, describing the staff structure, for each specialty and proving the staff training or the activity to be licensed o The Organisation and Operation Rules or the Quality manual to describe the responsibilities of the departments implied in the activity to be licensed, connected with quality indicators for electricity supply, the staff commitment and training o Documents proving the applicant's rights of ownership or concessor or user of the land(s) implied in the development or refurbishment of the power unit o Photocopies of the notifications handed over to the private or legal entities whose assets, lands or activities are to be affected during the development and commissioning of the installations and components of the power unit o The list of facilities needed during the activities of development/refurbishment and commissioning of the power unit o Feasibility study, drawn up by an accredited designer, according to the legislation in force; when the set-up authorisation

TABLE 3. CATEGORIES OF DATA THE REGULATOR COLLECTS FROM ENTITIES AND INDIVIDUALS WITHOUT A LICENSE FROM THE REGULATOR	
Country	
	is requested for the development/refurbishment of a power unit, using financial resources entirely provided from abroad, the feasibility study could be drawn up by a foreign company, and subsequently translated into Romanian o Technical agreement for connection to a public electric or thermal network within the National Grid, issued by Transmission System Operator or a Distribution Operator, as appropriate, and by the Thermal power transmission Operator, for the co-gen thermal power units that are to be connected to the network o Location project for the power unit, clearly showing the protection and safety zones, as established according to the legislation in force o The limits, determined according to the technical legislation in force, for the protection and safety zones o Schedule of the stages of the activities that are to be developed as a result of the set-up authorization o List of the appropriate measures for avoiding electricity unavailability or other incidents that could affect the activity of the network users during the activity of developing or refurbishing the power unit, when the applicant is the Transmission System Operator or a Distribution Operator
Romania (Gas)	*Existing facilities* The following general data and documents are collected by the regulator when an authorization/license is requested: o Commercial company setting up document, which is to present the activity for which the authorization/license is requested, attested copy o Registration certificate attributed to the commercial company, attested copy o Information on the financial situation o Curriculum vitae for the managerial team of the commercial company, that certifies its managerial capabilities o Chart, from which the existence of a structure for ensuring the preventive maintenance to result, so that the efficient use of production, transportation, dispatching, transit, storage or distribution of natural gas objectives/systems to be possible; structure and personnel necessary, that attest to the petitioner's capability in the sector o Documents regarding technical capability in the sector; o Written statement of legal representative of commercial company regarding the updated value of investment and/or objectives for which the authorization is requested, respectively capacity and/or natural gas quantity for which the license is requested, for calculating the related tariffs. The following specified data and documents are collected for: *A. Natural gas supplying license:* o The document issued by certification body on initiating certification of quality system, in compliance with ISO 9000 standards and, in the case of environment management, in compliance with the provision of standards ISO 14000, from which results the development of quality system implementation process at the economic agent that requests the license, having finished within 2 years; license petitioners that have certified the quality system before mentioned will present the certifications issued by certification bodies o Organization and function regulation for the economic agents, that attests the existence of a system to communicate with the clients, as well as of a system for collecting clients' claims and their solving o List containing secondary headquarters. *B. Natural gas transportation license* o File containing personnel structure, that certifies its qualification o Function authorization for operated equipment o List containing secondary headquarters o Lists containing transportation equipment – pipelines, due to each secondary headquarter o The document issued by certification body on initiating certification of quality system, in compliance with ISO 9000 standards and, in the case of environment management, in compliance with provision of standards ISO 14000, from which results the development of quality system implementation process at the economic agent that requests the license, having finished within 2 years; license petitioners that have certified the quality system before mentioned will present the certifications issued by certification bodies o Organization and function regulation for the economic agent o Concession agreement, concluded with National Agency for Mineral Resources for concession of national transportation system for natural gas. **C.** For natural gas storage license o Organization and function regulation for natural gas storage capacities o Environment authorization according to legal provisions in force

TABLE 3. CATEGORIES OF DATA THE REGULATOR COLLECTS FROM ENTITIES AND INDIVIDUALS WITHOUT A LICENSE FROM THE REGULATOR	
Country	
	o File containing personnel structure, that certifies its qualification o List containing secondary headquarters o List containing natural gas storage capacities due to each secondary headquarter o The document issued by certification body on initiating certification of quality system, in compliance with ISO 9000 standards and, in the case of environment management, in compliance with provision of standards ISO 14000, from which results the development of quality system implementation process at the economic agent that requests the license, having finished within 2 years; license petitioners that have certified the quality system before mentioned will present the certifications issued by certification bodies o Organization and function regulation for the company o Concession agreement, concluded with National Agency for Mineral Resources for conversion of depleted commercial deposit and/or saline caverns in deposits for underground storage of natural gas *D. For natural gas dispatching license* o File containing personnel structure, that certifies its qualification o List containing secondary headquarters o Lists containing dispatching systems due to central headquarter and each secondary headquarter o The document issued by certification body on initiating certification of quality system, in compliance with ISO 9000 standards and, in the case of environment management, in compliance with provision of standards ISO 14000, from which results the development of quality system implementation process at the economic agent that requests the license, having finished within 2 years; license petitioners that have certified the quality system before mentioned will present the certifications issued by certification bodies o Organization and function regulation for the economic agent *E. For natural gas distribution license* o File containing personnel structure, that certifies its qualification o Concession contract for distribution service and/or related goods o List containing secondary headquarters o Lists containing objectives related to distribution system corresponding each locality – pipelines and technological installations – mentioning main technical characteristics o The document issued by certification body on initiating certification of quality system, in compliance with ISO 9000 standards and, in the case of environment management, in compliance with provision of standards ISO 14000, from which results the development of quality system implementation process at the economic agent that requests the license, having finished within 2 years; license petitioners that have certified the quality system before mentioned will present the certifications issued by certification bodies o Regulation for organization and function of commercial company to attest the existence of a system for collecting natural gas consumers' complaints and their resolution, as well as of a system for communicating with clients, through these to be informed about modifications of norms in the sector *F. For natural gas transit license:* o File containing personnel structure, that certifies its qualification o Function authorization for operated equipment o Intergovernmental convention/conventions and framework contracts concluded between corresponding entities in involved states o List containing secondary headquarters o Lists containing transit equipment – pipelines, due to each headquarter o The document issued by certification body on initiating certification of quality system, in compliance with ISO 9000 standards and, in the case of environment management, in compliance with provision of standards ISO 14000, from which results the development of quality system implementation process at the economic agent that requests the license, having finished within 2 years; license petitioners that have certified the quality system before mentioned will present the certifications issued by certification bodies o Organization and function regulation of the company. *Data requested by applicants for licenses to develop new capacities:* A. Authorization to develop new capacities for natural gas production, transportation, storage, transit, dispatching and distribution: o Identification data and elements concerning location of the objective in natural gas sector

TABLE 3. CATEGORIES OF DATA THE REGULATOR COLLECTS FROM ENTITIES AND INDIVIDUALS WITHOUT A LICENSE FROM THE REGULATOR	
Country	
	o Technical properties of the objective, according to the technical-economic project, endorsed by licensed operator o Feasibility study, made by an authorized designer, according to legislation in force and/or international standards o Construction authorization o Technical endorsement that contents technical requirements for connection, if the case, to gathering pipelines related to production systems, to National Transport System (SNT) and/or natural gas distribution network, issued by natural gas transportation or distribution system operator o Copy of concession contract of distribution service and/or related goods B. Authorization for functioning natural gas production, transport, storage, dispatching or distribution objectives/systems o Setting up authorization or putting into function record, for the existing objectives on the date of coming into force of the present regulation o Environment authorization o Acceptance committees constitution documents o Acceptance report at the ending of works, signed by the acceptance committee constituted in compliance with legislation in force o Documents that testify to the qualification of the personnel o List of personnel authorized by ANRGN that participate at acceptance o File containing structure of specialized personnel, that testify their qualification o Metrological authorization for laboratories C. For authorization for modification natural gas production, transport, storage, dispatching or distribution objectives/systems; o Identification data and elements concerning location of the objective in natural gas sector that is to be modified o Technical properties of modified objective, according to the technical economic project o Feasibility study, made by an authorized designer, according to legislation in force and/or international standards o Technical certificate that contains technical connection requirements, if the case, to gathering pipelines related to production systems to SNT and/or natural gas distribution network, issued by the producer, transportation system operator, respectively distribution system operator, if the case o Authorization for construction V. The following data and documents are collected by the regulator when an authorization for a natural person is requested: o Application form o Copy of ID o Copies of the educational documents o List containing the accomplished works in natural gas sector signed by employer to testify length of service and the experience of the applicant, according to the request imposed by the degree of authorization o Copy/part of workman's pass or certificate from competent bodies to testify the activity o Copy of the previous authorization, as the case may be VI. The following data and documents are collected by the regulator when an authorization for a legal person is requested: o The status of the company and, if the case, the contract of the company, including the additional documents related to them, attested copy o The registration certificate (together with the related annexes from which arises inclusively the fulfilling by the company of the authorizations from labor protection point of view) of the company at the trade register o A copy of the accounting balance sheet related to the previous year, endorsed by the competent financial body on which territory the commercial company has the headquarters o Curriculum vitae for the managing team, which certifies the solicitor's capability in the field o List of main designing, building and/or operating works, endorsed by beneficiaries or licensed operators o List containing technical-material endowment to attest the capability of the applicant for designing and/or building activity o Chart and staff structure, signed and sealed by the legal representative of the company to certify applicant's capability in the sector for which the authorization is granted o Criminal record of the manager of the company, genuine and within validity term o Fiscal record of the applicant or legal person, genuine and within validity term o Individual labor contracts endorsed by Local Labor Inspectorate or labor books for authorized installers and welders that it represents according to the specific requests of solicited authorization

TABLE 3. CATEGORIES OF DATA THE REGULATOR COLLECTS FROM ENTITIES AND INDIVIDUALS WITHOUT A LICENSE FROM THE REGULATOR	
Country	
	o Written statements of authorized installers and welders, according to Annex No. 3 of the Regulation for authorizing and verifying the natural persons developing designing, building and operation activities in natural gas sector.
Russia	
Serbia	*Category #2: Data provided to the regulator for the purposes of license application* The data that is required to be submitted at the moment of application for a license is described in detail in the License Code issued by the Minister of Mining and Energy ("OG of the Republic of Serbia" #117/2005) which entered into force on January 1st 2006, and includes the following: • An extract from the domestic Registration Agency which proves that the applicant is registered for conducting the relevant energy activity and the act by which the applicant was established. (The domestic Registration Agency is a body established by the Law on Registration of Commercial Entities ("OG of the Republic of Serbia" #55/2005 and 61/2005). One of the main functions of this Agency is the duty to keep the Register of Commercial entities (defined in this law as "an integral, central, public electronic database on commercial entities, established for the territory of the Republic of Serbia, in which data is entered and stored in accordance with law."). This Law stipulates all the necessary conditions, subject of and procedures for registration, as well as the rules on the manner of keeping the Register.) • Reports from the relevant inspectorates by which the applicant is to prove that he has the required professional staff for conducting the energy activity concerned (for those activities for which there are such requirements), that his energy facilities fulfill all the conditions prescribed in technical regulation, regulation on environmental protection, regulation on energy efficiency, and regulation on protection from fire and explosion. The relevant inspectorates are internal organizational units within the competent ministries. This reporting requirement would only be applied to those applicants that have energy facilities, and depending on the specific activity this would include the following: (1) for electricity: Electricity Inspectors (under the Ministry of Mining and Energy or under the Secretariat for Energy and Mineral Resources for the territory of the Autonomous Province of Vojvodina), Environmental Inspectors (under the Ministry of Science and Environmental Protection or the Secretariat for Environmental Protection and Sustainable Development for the territory of the Autonomous Province of Vojvodina, Inspectors for fire protection and rescue (under the Ministry of Internal Affairs); (2) for natural gas: Inspectors for Equipment under pressure (under the Ministry of Mining and Energy or under the Secretariat for Energy and Mineral Resources for the territory of the Autonomous Province of Vojvodina), Environmental Inspectors (under the Ministry of Science and Environmental Protection, or the Secretariat for Environmental Protection and Sustainable Development for the territory of the Autonomous Province of Vojvodina), Inspectors for fire protection and rescue (under the Ministry of Internal Affairs); (3) for oil and petroleum products: Environmental Inspectors (under the Ministry of Science and Environmental Protection), Inspectors for fire protection and rescue (under the Ministry of Internal Affairs) • A confirmation from the commercial bank that the applicant has the necessary financial funds for conducting the relevant energy activity or that such funds could be obtained • A balance sheet for the previous two years of operation (or shorter period if the applicant has been operating for a shorter period) or the initial balance sheet for new companies (a Financial or Business Plan are requested for companies that have just been established, i.e. that are about to start operation) • A document on the solvency of the applicant (issued by the Solvency Center of the National Bank of Serbia) issued in accordance with the law • Proof that the management of the applicant has not been lawfully convicted for criminal acts pertaining to the performance of economic activity
Turkey	In the applications for construction of generation facility based on wind and solar energy, the applicants should also submit the measurement data in line with the provisions of the relevant communiqué to be issued by the Board. For generation, autoproducer and autoproducer group license applications; the applicants are required to submit to the Authority a work schedule prepared with due regard to the features of the generation facility to be licensed and that covers the period up to the completion of the facility, and the completion date indicated in that work schedule needs to be approved by the Authority. Any additional information and necessary documents may be requested from the applicant and may be invited for direct interviews shortly; before obtaining license and after obtaining license the market participants are obliged to make ready their information upon the request of the regulator.
Ukraine	The list of data needed to be received from economic entities so they can get a license is indicated in the instruction on the procedure for issuance of licenses by the National Electricity Regulatory Commission of Ukraine for carrying out certain

TABLE 3. CATEGORIES OF DATA THE REGULATOR COLLECTS FROM ENTITIES AND INDIVIDUALS WITHOUT A LICENSE FROM THE REGULATOR	
Country	
	types of economic activities approved by NERC Decree of October 6, 1999, #1305. In accordance with said instruction, in order to obtain a license a subject of entrepreneurial activities submits an application to NERC, where the following information is provided: o for a private entrepreneur: last name, first name, patronymic, passport data, place of residence, identification number of a physical person – payer of taxes and other mandatory fees o for legal entities – name, location, banking information, organizational-legal form, identification code, place of operation, type of activities, for which an applicant intends to obtain a license, installed capacity and annual volumes, and period of validity of licenses.

TABLE 4. METHODS OF COLLECTING DATA				
Country	**Reporting Forms**	**Annual Reports**	**Hearings**	**Ad Hoc Requests and Other**
Albania	The reporting forms are: Annual and periodic.	The annual reports are collected within the first three months of the year based on the license.	The hearings are based on the Rules and procedures of ERE which state the deadlines for the licensees and the interested parties that will participate.	Ad hoc requests are based on the license given by the Regulator, for specific issues. Other methods can be investigations, monitoring, etc.
Armenia				
BiH	SERC has developed certain number of reporting forms by which it collects (mostly) technical data on a daily and a monthly basis, as well as data for tariff and licence proceedings. SERC collects these forms in hardcopy and electronically.	All licensees are obliged to submit their Annual Reports to SERC (electronically and hardcopy).	With the view to soliciting comments of interested parties and members of the public on rules and regulations, or on any other document, SERC organizes general hearings; technical hearings, which are organized with the view to resolve technical issues during the proceedings, e.g. the processing of procedural or essential issues; and formal hearings, which are organized with the view to establish decisive facts based on which SERC might resolve certain applications or disputes. Comments may be given in written form or verbally.	On an ad hoc basis SERC may request data and information necessary for furtherance of its work. Usually, this method is used for additional explanations and clarifications. Generally, SERC collects all data in hardcopy and electronically.
Croatia	Until now CERA has not had any regulatory accounting templates, but recently CERA passed new methodologies for tariff systems for gas and methodology for tariff systems for district heating, provided templates (excel tables) to be fulfilled and sent to CERA annually.	Energy undertakings are obliged to deliver annually the following documents: o Balance sheet o Profit and loss statement o Notes related to the financial statements o Data according to templates provided in new methodologies for tariff systems for gas and methodology for tariff systems for district heating	None.	The Agency has the authority to request data, reports and other relevant documents, necessary for performing duties from Agency's jurisdiction, from energy undertakings based on The Act on the Regulation of Energy Activities and other acts regulating carrying out of energy activities. Energy undertakings are also obliged to deliver other technical, technological, economic and financial data, when Agency finds necessary to analyse requests for tariff increases.
Estonia	There are no special reporting forms except forms for approval prices. These forms are	EMI does not collect annual reports. In Estonia all annual reports are available for everyone in commercial	In Estonia, there are no public hearings	

TABLE 4. METHODS OF COLLECTING DATA				
Country	**Reporting Forms**	**Annual Reports**	**Hearings**	**Ad Hoc Requests and Other**
	elaborated by EMI to accelerate processes and help companies. All forms are published on our website (www.eti.gov.ee) If a company requests approval prices then it is necessary to fill in those forms and send by e-mail to EMI (or send on CD).	register (via their website).		
Georgia	Financial and technical annual reports	According to law licensees and subordinated industrials are obliged to present annual reports to the GNERC.	GNERC has the power to acquire any data that is necessary to fulfill its regulatory tasks	GNERC has the right to control regulatory subordinated industrials, by letter or hearings. Working meetings, public hearings, everyday communications
Hungary	The HEO collects daily, monthly, quarterly and yearly data from all licensees concerning their market activities. Furthermore the HEO collects detailed information about the licensees' annual activities and the benchmarking of winter gas supply. The reporting forms are tables and/or electronic text formatted by HEO.	The data collection method is regulated by the electricity and gas acts, ministerial decree and own regulation of HEO. Licensees are inquired in a resolution to supply data.	Public hearing could be possible but it has been still without any examples.	The data collecting method is regulated: According to the paragraphs 10. §m) and n) of Act No CX of 2001 on Electric Energy (VET) and the paragraphs 4. § j) and k) of the Act No XLII of 2003 on Natural Gas Supply (Gas Act, GET) the HEO shall have the right to access the documents related to the licensed activity and to request information. Besides the above, access to financial data of licensees is granted for the HEO according to paragraph 97. §b) of VET and the paragraph 49. §(4) of GET.
Kazakhstan	Information on return of money to consumers who paid for connection of additional capacities by growing total from the beginning of the connection – on a quarterly basis by the 20th day of the month following the reporting quarter is submitted to the authorized body in accordance with the approved Plan of development of heat and power networks of cities, districts, oblast, and also information on use by a subject of a natural monopoly of cash	Yes, the subject of the natural monopoly presents to the authorized body a report on execution of the approved tariff budget for the previous calendar year by types of regulated services (goods, works).	Annual report is presented in the form of a hearing and is conducted until May 1 of the year following the reporting year. When examining the application of the subject for approval of standard technical losses, the authorized body conducts a hearing, inviting members of the Parliament, representatives of state bodies, consumers and their public associations, mass media, independent experts and	The right of the authorized body to request and receive from natural persons and legal entities information necessary to exercise its authorities is stipulated in the law on natural monopolies. For example, when examining a request on allowing subjects of natural monopolies to perform other activities, when examining reports

TABLE 4. METHODS OF COLLECTING DATA				
Country	**Reporting Forms**	**Annual Reports**	**Hearings**	**Ad Hoc Requests and Other**
	received from consumers for connection of additional capacity according to set forms. 2. Reports on implementation of the investment program (project) are due (1) by the 15th day of the second month following the reporting period – (2) by May 1 of the current year – information on execution of the approved tariff budget for the previous calendar year by types of regulated services (goods, works); (3) on a quarterly basis by the 25th day of the month following the reporting period, information on accumulation accounts. Information is presented in accordance with special forms with documented proof of achieved actual indicators and explanation of reasons in case they deviate from the agreed option. 3. in case of independent application of temporary reduction factors to tariffs (prices, rates) regulated services of airports and air navigation.		subjects of natural monopolies. At the same time the hearing is held not later than 15 days before the decision is made on approval of standard technical losses. The authorized body publishes in periodical press an announcement on pending hearing not later than five days before it is held, with indication of the date and place of the hearing and the topic that would be discussed. The authorized body conducts public hearings "when examining applications" *of subjects of natural monopolies on approval of tariffs (prices, fees) or their cap levels*. After information on the date of a public hearing is published, a subject of the natural monopoly, upon the request, presents (to participants of public hearings); draft tariff estimates, tariffs (prices, fees) for regulated services (goods, works) or their cap levels; information on the reasons for increases of tariffs) for regulated services or their cap levels with economically justified calculations. An announcement on a pending public hearing at least 15 days prior to the date they are going to be conducted; such announcement must indicate the name and location of the organizer of the hearing; date and place where the hearing is to be held; name of the subject of the natural monopoly and type of services related to setting of tariffs or their cap levels for regulated services, for which the application was filed.	on financial and technical expert tests made, etc. if the authorized body needs additional information, the latter can request it from the Subject.
Kosovo	ERO issued and adopted: Manual of Reporting with all forms of annual and quarterly reports. Manual of Reporting, Regulatory Accounting Guidelines and all	Manual of Reporting determines the forms and reporting circle for annual reports. Annual reports have been submitted to ERO. Subject of reports are in	According to Reporting Manual the licensees send reports on quarterly and annual basis. No hearings for collection of	The Licensee shall submit to ERO, in a manner and at such times as ERO may require, such information and such

TABLE 4. METHODS OF COLLECTING DATA				
Country	**Reporting Forms**	**Annual Reports**	**Hearings**	**Ad Hoc Requests and Other**
	forms may be found on the official website of ERO.	compliance with license conditions. These reports are in the process of being evaluated by ERO.	data until now.	reports as ERO may consider necessary. The power of ERO to require information without prejudice to the power of ERO to require even information that is considered confidential under or pursuant to any other Article or Condition of this license or under or pursuant to the applicable Legislation. According to Reporting Manual the licensees send reports on quarterly and annual basis.
Kyrgyz Republic	Yes, uniform reports are used, as approved by government decree. Preparation of reports in accordance with the approved reporting template and with relevant contents allows the Agency to have relatively complete and transparent picture of the current technical and financial situation of the company. Data collection is exercised according to officially set forms approved by the government of the Kyrgyz Republic (№531 of August 2003). Periodicity of information collection is on monthly basis, on the 20th of each month the companies submit their reports signed by head of company in electronic and written forms. o The reporting form includes: • Electricity generation • Supply • Volume of transmission via high voltage networks (110-220-500 kW) • Distribution companies' inflows • Losses • Productive supply • Productive supply by	Annual reports are presented to the Regulator in March of the next year, however, a lot of companies switched over the International Accounting Standards, but a carrying out netting between organizations requires certain period of time and the companies could submit a final data, when a fiscal year has completely been closed according to the documents. The same articles are presented in the annual report as in monthly report, i.e. reporting form is unified.	Conducting of public hearings is not binding according to recent legislation, same as in Kazakhstan, for example, according to the Resolution N 157 of the Government of the Kazakh Republic of February 22, 2005 on «Approval of the Rules on conducting of public hearings at examination of applications for approval of rates (prices, charge rates) or their maximum levels for regulated services (goods, works) of subjects of natural monopolies». Another point that during functioning of the State agency on energy and the National agency on natural monopolies and competition development the public hearings were conducted in regions of the Republic. They were related to the introduction of uniform tariffs on electricity but were single procedures rather than permanent practice. However, the Rules on conducting of public hearings and the Rules on conducting open sessions of the Executive Council have been developed; they haven't been in use so frequently. First, the management of the	Regulator could request data from companies in written and oral form concerning any questions. Data inquiry is a necessary measure to be taken in order to get specific information or copies of documents. Data inquiry and information obtained under inquiry could be public information, except cases when a company classifies the inquiry "answer" as confidential. Employees review printouts or summary tables resuming monthly activity. Employees review excessively high or low level of costs with respect to mistakes and incorrect accounting records. In connection with this the original documents could be requested. Original of a document is a document which causes financial action, e.g. commercial invoice. However, some entities

TABLE 4. METHODS OF COLLECTING DATA				
Country	**Reporting Forms**	**Annual Reports**	**Hearings**	**Ad Hoc Requests and Other**
	consumer groups (industry, budget, agriculture, households, others) • Commercial products by consumer groups • Charge for electricity supplied by consumers • Receivables and payables • Collection of funds through an authorized bank. After analyses of collected data the regulatory body sends its recommendations to the companies according to their work and informs the government.		regulatory body has no interest in being adequately transparent and accountable to the public and consumers.	do not provide access to original documents. Such companies request the exact list of documents to be reviewed. After that, the mentioned documents are presented for the review. Information on accounts allows us to ask questions on types of costs. Why the given costs were consumed by a company? Are there any other similar costs? To what extent were these costs needed and sufficient? The regulator can also make an inquiry on any issue interested in, e.g. in connection with appeals and complaints if in addition to already provided information additional information is needed. Reporting requirements to the Regulatory body consist of the following: Balance statement Profit and loss statement Cash flow statement Labor cost statement Statement of fixed and intangible assets (including details on depreciation) Breakdown of receivables and payables Investment status report Rate conditions of financing and borrowings Deadlines of submission
Latvia	Reporting forms are corresponding to information/data to be submitted for the purpose of monitoring and should be submitted: o *annually* (see column 2) or o *quarterly* (such as summarization of complaints received from users about given social services, traders'	Annual report requires information on annual account of undertakings, balance sheet, the profit or loss account and the cash flow statement, the plan of activities of protection of environment ensuring and report of activity plan of protection of environment ensuring fulfilment in previous year, investment plan and report about the plan fulfilment in	Hearings are mostly applied in procedures for setting tariffs, i.e., where necessary, PUC shall invite representatives of the relevant provider of services to provide explanations on draft tariffs. Additional information (explanations) collected during the hearings is formalized	PUC, in performing the functions prescribed by law, is entitled to request (usually by a formal letter) and receive without hindrance from providers and users of public utilities the information as is required for the performance of

TABLE 4. METHODS OF COLLECTING DATA				
Country	Reporting Forms	Annual Reports	Hearings	Ad Hoc Requests and Other
	reports about income of end tariffs of electrical differentiated realization, etc.).	previous year, etc.	afterwards by requesting the provider of services to submit this information in writing.	such functions (for instance, information regarding the public utilities and the necessary information regarding other types of commercial activities, as well as accounting documents of the provider of public utilities). PUC is authorized and providers of public utilities shall ensure the opportunity for PUC to carry out the inspection and controls required for the performance of the public utilities regulatory function, as well as ensure access to equipment and measuring instruments, while observing safety requirements.
Lithuania	As it was mentioned in 2006 NCC adopted Rules for Licensed Energetic Entities on Providing Information. In these Rules are accumulated requirements for licensed entities on data providing from Law on Natural Gas, Law on Electricity, Law on Heat Sector and from sectoral licensing rules. The adoption of Rules for Licensed Energetic Entities on Providing Information enabled NCC to put together and systematize all requirements on information provided; as a result efficiency of data collection has increased and it became easier to control license holders.	Covered by Rules for Licensed Energetic Entities on Providing Information.	Not applied.	For the performance of the functions assigned to NCC it has a right to obtain relevant information from energy enterprises. Usually NCC practice ad-hoc requests to collect data for dispute settlements or to qualify other information. But it should be mentioned that there are no strict deadlines for such data providing. Only The Law on Natural Gas prescribes that NCC has a right to decide in what terms energy enterprises should provide necessary information. One of NCC's functions is disputes settlement. NCC has a right to settle disputes in pretrial order. So NCC organizes pretrial hearings and hears evidences of both

TABLE 4. METHODS OF COLLECTING DATA				
Country	**Reporting Forms**	**Annual Reports**	**Hearings**	**Ad Hoc Requests and Other**
				dispute parties. The final decision is based on the ground of the collected written evidences and heard explanations.
Macedonia	Reporting forms like templates (tables and questionnaires) are specified for all kinds of licensees. These templates are included in the license.	According to the Rulebook on conditions, method and procedures for granting, modification and revocation of energy license ("OG of the Republic of Macedonia" #47/2005), the license holder has: *Article 34* *Obligation for Submission of Annual Operating Report* (1) The license holder must submit annual report for the operation in the previous year by 31 March at the latest in the current year and other interim reports and in manner, scope and form as defined in the license. The annual report contains data about: 1. description and scope of energy activity during the year 2. financial statement containing reference of financial indicators 3. implementation of obligations to hold separate accounts inter subsidies 4. measures undertaken to: a) protect equipment and facilities against external influence and breakdowns and insure facilities and equipment to perform the energy activity b) protect workers and their training and advanced training c) ensure obligations and protection of environment, life and health of people d) make monitoring of operation; e) ensure safe, continuous and quality energy supply f) ensure the obligation for rendering public services g) provide energy efficiency h) provide safe energy supply (force majeure, change in the conditions in the world market, military and state of emergency) 5. execute the annual program and repairs; 6. status with personnel; 7. implement the operating plan	The Regulatory Commission uses this method of collecting data usually in the appeal procedure before dispute resolution and in the case of missing of valid information.	By E-mail or fax and later on confirmed by letter. According to the Rulebook on conditions, method and procedures for granting, modification and revocation of energy license ("OG of the Republic of Macedonia" #47/2005), the Regulatory Commission may carry out: *Article 36 - Direct Access to Operation of License Holder* (1) For monitoring of the fulfillment of license obligation the ERC may carry out direct inspection into the performance of activity at any time, for the reason of which license has been granted, with or without giving prior notice, in the business premises, areas, installations, facilities and to the means and equipment used for the activity. (2) For the inspection the authorized officer with ERC is liable to make a Protocol with respect to the identified findings that is also signed by an authorized representative of the license holder. A copy of the Protocol shall be forwarded to the responsible person of the license holder and the ERC archives.

TABLE 4. METHODS OF COLLECTING DATA				
Country	**Reporting Forms**	**Annual Reports**	**Hearings**	**Ad Hoc Requests and Other**
		relating to the appropriate year; 8. discharge the obligations in compliance with the contracts signed (exp. Connection Contract, System Operator Agreement subject to energy activity etc.); 9. discharge the obligation related to the information of consumers. 10. other data that are specified for some energy activity		(3) The ERC is liable to publish summed reports on regular basis in view of the inspection made in the operation of the license holder.
Moldova	Based on regulatory decision, the licensees regularly submit monthly, quarterly and annual data in accordance with reporting forms developed by the regulator. In certain instances formal data requests apply.	According to regulatory decision, the licensees normally submit annual reports at the beginning of the year following the year reported.	The requested data are collected based on reporting forms developed by the regulator. Depending on the topic additional data can be officially requested.	According to paragraph 12.6 of Regulation for supply and use of electricity (Government Resolution Nr. 1194 as of 22.11.2005) and paragraph 12.5 of Regulation for supply and use of natural gas (ANRE Resolution No. 49 as of 06.03.2002), the supplier in a mandatory manner submits to the Agency any requested information on petitions, recorded acts, decisions and other necessary documents.
Mongolia	SEE THE DATA THE REGULATOR COLLECTS FROM LICENSEES	See the DATA THE REGULATOR COLLECTS FROM LICENSEES	N/A	According to the Terms and conditions of the License the Licensee is obligated to provide report on blackout due to the Licensee's fault within 10 days. In the case where a licensee has been changed his name, address, account number and company rule, he is obligated to inform the ERA within 5 days.
Montenegro	According to licenses issued-permanent reports in stated terms and out of these terms, according to needs	In terms established by the Law and licenses	Hearings are held in accordance with needs and in regards to issues requiring hearings	When there is a need for this data and out of terms established by licenses. For some issues we use public hearings
Poland	Several kinds of data are presented to the President of ERO in special reporting forms (e.g. the forms presented a method of calculation of annual fees contributed by licensees).	The energy enterprises (except for generation and traders) are obliged to present annual reports to the President of ERO. This is one of their license's conditions.	N/A	This method of collecting data is applicable for requirement of monitoring or analyses made by Regulator, or for explanation of

TABLE 4. METHODS OF COLLECTING DATA				
Country	**Reporting Forms**	**Annual Reports**	**Hearings**	**Ad Hoc Requests and Other**
	These forms are created by ERO only for making the data's presentation easier and the entities aren't obliged to present the data only in this way.			problem featuring during administrative proceedings. According to Art. 28 of Energy Law President of ERO has a right to request for any data at any time, but data are received most often during administrative proceedings.
Romania (Elec)	Technical and financial reports on the authorised/ licensed activity. Templates for tariffs and market monitoring.	Technical and financial reports on the authorised/ licensed activity are required on an annual basis.	The Regulatory Committee meetings for license granting are public. The pre-contractual disputes are solved by the Competent Authority based on a mediation procedure.	Requests based on complaints. Requests initiated during the control activity.
Romania (Gas)	Yes	Yes	Yes	Yes
Russia				
Serbia	Article 20 of the Energy Law authorizes the AERS to issue recommendations, instructions, guidelines and other general acts for the purpose of conducting its activities. The AERS opted to pass a series of data request templates for each licensed activity. These requests clarify what the data and documents are to be submitted to the Agency for monitoring purposes, and the dynamics of such data collection. These templates were adopted by the Agency and are available on AERS' website (http://www.aers.org.yu/Index1.asp?a=36) in the Serbian language only at this time. The industry has been notified regarding the new templates, which are two-fold (there are economic data templates and technical data templates). The legal aspects of needed data (for example copies of contracts or similar could be requested within the authority of AERS stipulated in Art 16 of the Energy Law, on an ad hoc basis). All data can be requested on an ad hoc basis. To increase the	Covered by the Reporting Forms (see above).	Not applied.	Since AERS has full power to request ANY data it deems necessary for the purpose of conducting its tasks, it could file ad-hoc requests to licensees for the provision of such data. The deadline for the provision of such data is set in Art.16. para 1 of the Energy Law at eight days starting from the date such a request was received by the licensee. The AERS had also considered the adoption of Regulatory Accounting Guidelines but has opted to postpone their adoption (probably till the first regulatory period is finished), so that if and when they are adopted, they would be a useful piece of paper for AERS and at the same time less burdensome for the industry. The main concern is not to overburden the industry

TABLE 4. METHODS OF COLLECTING DATA				
Country	**Reporting Forms**	**Annual Reports**	**Hearings**	**Ad Hoc Requests and Other**
	efficient collection of data, the data templates set out the categories of data that AERS knows (at this point in time) it will need for performing its tasks. AERS can follow up, at its discretion, with additional requests on an as needed basis. The templates set forth three timelines: most of the data is requested on an annual basis, some is semi-annual, and some is dependant on the filing of a request for changing the prices (the last is mainly used in the natural gas sector). The economic data templates include data related to: maximum allowed revenue; allocation of the maximum allowed revenue on tariff items; keys for allocation of common costs, assets and revenues; operating costs; weighted average cost of capital; structure of sources of financing; assets; losses; other revenues; investment plan; staff; environmental protection; revenues from connection; revenues from performing a specific energy activity (of course some of the data requests differ depending on whether the specific activity that is performed requires energy facilities, i.e. infrastructure or not)			with too many requests, templates, guidelines, etc. since they are undergoing various organizational changes, and have to adapt to a lot of new concepts envisaged by the Energy Law (in line with the trends of the EU), hence this might be counter-productive at this moment. Therefore, the Council opted, at least for the first regulatory period, to wait and see whether it would need such guidelines for performing our regulatory tasks (this is, of course, dependant on the accounting practices of the industry and of the manner and quality of the accounting data will be submitted to AERS).
Turkey		*Article 45 of Licensing Regulation*: The licensees shall be obliged to prepare an annual activity report for the previous year in compliance with the applicable legislation and shall submit such reports to the Authority by the end of April every year. This report shall also include information regarding administrative proceedings such as applications for, and results of permits, approval, or authorization, to related public institutions for performance of their licensed activities in the previous year. (Inserted by the Regulation published in the OG #25034 dated Feb. 28, 2003.)		Legal entities having a license for engaging in generation business are obliged to submit progress reports concerning their activities till to the facility completion date to the Authority in every January, May and September. (Inserted by the Regulation published in the OG #25520 dated July 12, 2004.)

TABLE 4. METHODS OF COLLECTING DATA				
Country	**Reporting Forms**	**Annual Reports**	**Hearings**	**Ad Hoc Requests and Other**
Ukraine	Yes, extensive use of reporting forms; see answer to Table 2.	Requirements to financial statements are contained in NERC Decree of 20 February, 2002, #159, "On submission of financial statements by NERC licensees". Financial statements should include form #1 "Balance Sheet", form #2 "Income Statement", form #3 "Cash Flow Statement", form #4 "Statement on Owner's Equity" and form #5 "Notes to Annual Financial Statements". Annual financial statements are submitted to NERC by 20 February of the year following the reporting year.	In accordance with NERC Regulation, meetings of the Commission are open and publicly available. Openness of meetings is ensured by open discussion of issues that are in its competence in the presence of economic entities that filed applications to obtain licenses, licensees, consumers, representatives of public bodies, general public, mass media, and also by means of publishing	

TABLE 5. ENFORCEMENT – PENALTY PROVISIONS	
Country	**Penalties for Refusal to Give the Regulator Requested Data**
Albania	Based on our Power Sector Law non submission in time of financial and economic reports and technical indicators as requested by the ERE shall be fined with 150 000 Lek. In case of systematic and repeated violations against this law and regulations adopted by the ERE, pursuant to its legal authority, the ERE may, according to Article 19, withdraw the license held by the offending person.
Armenia	1. Warning 2. Reduction of the tariffs 3. Suspension of the License 4. Revocation of the License Law on Energy of the Republic of Armenia, Article 42
BiH	According to the Law, a licensee shall be punished by a fine from KM 5,000 to 40,000 (€ 2556 to 20451) for each violation when it fails to provide SERC with requested data and information.
Croatia	As far as the sanctions are concerned, the penalties prescribed by the Act on the Regulation of the Energy Activities, Article 28, amount between 10,000,00 and 50,000,00 Kn for offences committed by an energy undertaking if it does not submit the data requested by the Agency. The authorized person of the energy undertaking shall be punished for the same offence with the amount of 300,00 to 5,000,00 Kuna.
Estonia	*Electricity Market Law* Article 103. Failure to provide information *(1) Failure by a market participant to provide mandatory information to the Energy Market Inspectorate or the system operator is punishable by a fine of up to 100 fine units.* *(2) The same act, if committed by a legal person, is punishable by a fine of up to 20 000 kroons.* *Another way by Electricity Market Law* Article 95. Precept *(1) The Energy Market Inspectorate shall issue mandatory precepts to market participants and other persons in the event of a violation of this Act or legislation established on the basis thereof, in the event of a breach of the conditions of an activity licence and in other cases prescribed by this Act to terminate the violation or breach, to eliminate and remedy the consequences or to perform other acts.* *(2) A precept shall contain the following information:* *1) the name and position of the official who prepared the precept;* *2) the date of preparation of the precept;* *3) the name and address of the recipient of the precept;* *4) the factual and legal basis for the issue of the precept;* *5) the content of the precept;* *6) the due date for compliance with the precept;* *7) a description of the consequences of failure to comply with the precept.* *(3) A precept shall be communicated to its recipient without delay. The Energy Market Inspectorate shall also communicate the precept to other persons affected by the precept. Information concerning a precept shall be entered in the register promptly, but not later than within five working days.* *(4) In the event of failure to perform an obligation imposed by a precept, a penalty payment may be imposed pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act. The upper limit for a penalty payment is 20 000 kroons.* *(5) In the event of substitutive enforcement, an official of the Energy Market Inspectorate or a third party who is carrying out substitutive enforcement at the request of an official has the right to access the territory and premises of the recipient of the precept, to use the property of the recipient in performing acts and to affect the property by the acts and, if necessary, to use the assistance of the police to exercise his or her rights.* By Natural Gas Market Act and by District Heating Act– the same as Electricity Market Law (second way)
Georgia	When information is not given, GNERC has right to push monetary penalty.
Hungary	The HEO has enforcement powers on lack of data providing: Issue of resolutions (e.g.: issue and modification of operational license, approval of Business Conduct Rules, resolutions on imposing a fine, consideration of applications for price re-examinations, consideration of complaints) According to VET 67. § and the ministerial decree: „In case of infringement of obligations defined in the operation license, the valid regulation and the power supply regulations

TABLE 5. ENFORCEMENT – PENALTY PROVISIONS	
Country	**Penalties for Refusal to Give the Regulator Requested Data**
	(a) the Office shall warn the licensee in writing – with the reference to the legal consequences – (b) the Office shall have right to levy fine defined in separate regulation, (c) the Office can modify or withdraw the license, if the licensee – despite the written notice and the levied fine – will operate the electric plant in mode endangering safety of supply, life, health, plant, property or environment. (d) the Office shall withdraw the license, if the licensee is unable to comply with his obligations defined in the provisions of the valid regulation, the power supply regulations and the operation license. Ministerial Decree, 78. § The Office shall have right to apply sanctions specified in paragraphs 67. § a), b), c) of VET also simultaneously. Ministerial Decree. 79. § (1) The Office shall have right to levy fine on the licensee for the infringement of provisions of the valid regulation, the power supply regulations and the operation license" In case of gas industry: GET 4.§. i) In case of gas industry: GET 4.§. i) The Office oversee the activities of authorized operators to enforce compliance with the regulations of this Act and other legal regulations implementing it, with the resolution of the Office and those contained in the Grid and Commercial Code, and shall impose a penalty for any violation thereof
Kazakhstan	The period for examining the application is suspended until the requested information is received. If the entity fails to present the requested information within the terms set by the authorized body, or presents the information in question partially, then the authorized body has the right not to take into account declared values of normative technical losses, technical and technological norms of consumption of raw materials, materials, fuel, and energy. Failure to present or partial presentation of documents and information, presentation of documents with violations of requirements and presentation of documents containing inauthentic information can serve as grounds for refusal to accept for examination the application of the entity.
Kosovo	Article 57/1 (c) of Law on Energy Regulator, "A fine shall be imposed on any person who fails to provide information required pursuant to Article 13;"
Kyrgyz Republic	If a company or a fuel and energy complex enterprise fails to present or presents knowingly false data, in accordance with the "Code of the Kyrgyz Republic on administrative liability", Article 450 «… presenting intentionally inauthentic (false) data necessary for the State Energy Agency (the Agency) to perform its functions entails imposition of an administrative penalty: on citizens – up to five, on officials – up to ten estimate indicators (it is approximately 5 or 10 Euro). The amount of the penalty is calculated based on the estimate indicator, which according to the current legislation is Som 100 or Euro 2. The new forms of reporting were worked out recently. They should be approved by decree of government of the Kyrgyz Republic and are under its consideration. Draft of the government decree envisages personal liability of all general directors of companies for credible and timely submission of reporting data on the 20th of a month following the reporting month.
Latvia	In case of refusal to submit information, submission of incorrect information and ignorance of decisions adopted by PUC, the relevant section of Latvian Administrative Violence Code may be applied. Administrative penalties for providers of public utilities for refusal to provide requested information/data vary – from a notice to a fine (up to 15,000 EUR).
Lithuania	Administrative fines for refusal to give the NCC required information or for providing false information differ from 58 EUR to 434 EUR (The Code on Administrative Infringements). Also, potentially, if such a refusal would be deemed as a significant breach of the licensing conditions, a procedure for suspension of a license could be initiated by NCC.
Macedonia	According to the Article 153 of the Energy low: Legal entity shall be fined for a violation with an amount between 100.000 and 300.000 denars, if: 1. Performs energy activity of public interest and doesn't submit its annual audited financial reports to the Energy Regulatory Committee, as well as consolidated accounts for other activities and balances with review of revenues, expenditures, source of financing investments, way of financing investments and the results of the work for each activity separately (Art. 6, Para. 6) 2. On request of the Energy Regulatory Commission doesn't provide the necessary documents, data and information for performing the works under the competences of the Energy Regulatory Commission (Art. 24, Para. 1) 3. Doesn't submit to the Energy Regulatory Commission, monthly, quarterly, annual and other reports related to

TABLE 5. ENFORCEMENT – PENALTY PROVISIONS	
Country	**Penalties for Refusal to Give the Regulator Requested Data**
	the performing of its activity, in a way and under conditions determined by the relevant licenses (Art. 24, Para. 3) 4. Doesn't submit to the Energy Regulatory Commission reports on the financial and physical scope of realized services, in a way, under conditions and within deadlines determined by the licenses (Art. 71, Para. 4) 5. Doesn't make records for the work of the production capacities and the capacity of the transmission network, doesn't forecast the electricity consumption and doesn't prepare a report on the electricity needs and the needs for new transmission capacities and doesn't inform about that the Energy Regulatory Commission, on its request (Art. 71, Para. 5) 6. Doesn't provide for realization of the obligations stipulated in Article 67, paragraph 2, Article 68, paragraph 2, Article 69, paragraph 2, Article 70, paragraph 2, Article 71, paragraph 2, Article 78, paragraph 2, Article 79, paragraph 1 and Article 83, paragraph 5 of this Law 7. Doesn't submit to the Energy Regulatory Commission, plans, studies and other information for extension and upgrade of the distribution network, including also the financial plans for the costs for that extension and upgrade (Art. 79 Para. 4) 8. Doesn't submit to the Energy Regulatory Commission reports for the financial and physical scope of the realized services in a way and according to the conditions given in the license (Art. 79 Para. 5) 9. Doesn't submit plans, studies and other data to the Energy Regulatory Commission for increasing the capacity for transmission of natural gas or their replacement, including also the financial plans for the costs of such an increase or replacement (Art. 86 Para. 2) 10. Doesn't submit to the Energy Regulatory Commission reports for the financial and physical scope of the realized services, in a way and according to the conditions given in the license (Art. 86 Para. 3) 11. Doesn't make records for the work of the transmission capacities, doesn't prepare a forecast for the natural gas demand and doesn't prepare report for the need of natural gas and new transmission capacities and doesn't inform about that the Regulatory Commission, on its request (Art. 86 Para. 4) 12. Doesn't submit to the Energy Regulatory Commission and the competent Ministries of Art. 97 paragraph 2 of this Law, the act for the work of the oil pipeline, i.e. the pipeline (Art. 94 Para. 2) 13. Doesn't provide the execution of obligations of Articles 85, paragraph 2. 86, paragraph 1, 87 paragraph 1, 88 paragraph 2, 89 paragraph 2 and 91 paragraph 6 14. Doesn't deliver the heat, i.e. geothermal energy, according to the agreement and if it doesn't submit to the Energy Regulatory Commission the following: financial reports and audit of the financial reports made by an authorized auditor, reports on the work and other data according to the conditions proscribed with the license by the Energy Regulatory Commission (Art. 110 Para. 2) 15. Doesn't provide for completion of obligations of Articles 108 paragraph 2, 109 paragraph 2, 110 paragraph 1 and 117 of this Law.
Moldova	
Mongolia	Not yet.
Montenegro	In this case we issue notice of breach of the license. After the warning the breach is removed
Poland	In accordance to Energy Law Art. 56 (3) and (4), the amount of the financial penalty may not exceed 15% of the revenue of the enterprise penalized earned in the previous fiscal year and if the financial penalty is related to the activity conducted on the basis of a license, the amount of the penalty may not exceed 15% of the revenue of the enterprise penalized earned on the activity which is subject to the license in the previous fiscal year. The financial penalty shall be paid to the bank account of the relevant Tax Office. There were several cases when the President of ERO imposed a financial penalty for refusal of data's provision.
Romania (Elec)	According to the Electricity law, failing to send the data and information required by the competent authority or the inaccurate and incomplete provision of data and information necessary for the competent authority to carry out its activity, as well as the failing to observe the measures decided by ANRE, is considered contravention.
Romania (Gas)	Yes
Russia	
Serbia	In the event that information requested by AERS is not disclosed to AERS as requested, AERS may seek recourse as provided in the Transitional and Final Provisions of the Energy Law, Art. 161, Para 1, 1), which specifies that such nondisclosure constitutes a misdemeanor punishable within a range from 10.000 to 100.000 RSD – around 125 to 1250 EURO per infringement. Because fines are defined per infringement, the fines can pile up so that a significant amount of penalties may be imposed in certain cases. As a general matter, the misdemeanor courts are sufficiently

TABLE 5. ENFORCEMENT – PENALTY PROVISIONS	
Country	**Penalties for Refusal to Give the Regulator Requested Data**
	prompt for this type of penalty to have teeth. Also, potentially, if such a refusal would be deemed as a significant breach of the licensing conditions, a procedure for suspension of a license could be initiated by AERS. No difficulties in collecting data have been encountered at this point, though on this point it is important to note that the process itself is relatively new.
Turkey	*ARTICLE 11 OF ELECTRICITY MARKET LAW:* *THE BOARD IMPOSES THE FOLLOWING FINES AND SANCTIONS ON THE LEGAL ENTITIES OPERATING IN THE MARKET:* In cases where it is determined that the information provided upon request by the Board is false, lacking or misleading or if the conditions for on-site investigations by the Board are not made available, the related real person and legal entity is warned to submit the correct information and/or make available the conditions for on-site investigation within fifteen days. In case the breach is not remedied despite the written warning an administrative fine of 200 thousand YTL shall be imposed. (Amended by the Law no. 5496 dated 10 May 2006). If misleading information or non-factual documents related to licensing conditions are presented in license application process or if the changes that affect the licensing conditions occur during the term of the license and the Board is not notified about such changes, the license shall be revoked. However, if the Board considers that the non-factual documents, misleading information or changes in license conditions may be corrected, the legal entity is warned to correct the same within thirty days and in case the breach is not remedied despite the written warning an administrative fine of TL 400 thousand YTL shall be imposed.
Ukraine	According to the Law of Ukraine "On natural monopolies", subjects of natural monopolies have to submit to their regulators documents and information needed by these bodies to perform their duties in the volume and within terms set by these bodies. I. *In the electricity sector* According to Methodology 1, in case in reporting materials or justified applications to NERC of consumers, licensees, state power bodies violations of Conditions and Rules mentioned above are detected (except for supply of electricity at the regulated tariff), on the basis of conducted inspection, analysis of statements and other documents NERC makes a decision on applying a relevant decision to a licensee, which decision is made in the following form: o warning decree (only for licensees that supply electricity at the regulated tariff) o instruction on elimination of violations of License terms o decree on suspension of the validity of a license o decree on imposing a fine o decree on canceling a license II. *In the oil and gas sector* In accordance with Methodology 2, as a result of the inspection and examination of the act of checking compliance with License conditions of NERC, the Commission makes decisions, which are drawn up in the form of the following documents: o order on elimination of violations of License conditions o decrees on canceling the license o decree on imposition of a fine

TABLE 6. ENFORCEMENT – PRACTICAL EXPERIENCE			
Country	**Challenges or Refusals to Give the Regulator Requested Data**	**Experiences with Inadequacy of Data Provided to the Regulator**	**Effectiveness of Enforcement Mechanisms**
Albania	No instances		
Armenia	No instances		
BiH	In the regulatory practice so far, there have not been any cases of passive attitude of regulated companies towards requests for information or requests for protection of information of confidential nature. However, protection of commercially sensitive information may be the subject of attention with further development of market relations in the power sector.	SERC requests additional explanations and clarifications.	No experience.
Croatia	Since it is in the interest of the parties, regardless if those are energy undertakings or other persons whose rights and interests are being handled, that their case is finally closed, the parties so far have never refused to submit the necessary data.	Energy undertakings who delivered inadequate data were asked to correct them in a given period of time, according to the Law on General Administrative Procedure. As a result they either provided the requested data in the requested form or revoked their application.	Enforcement mechanisms have not been applied yet.
Estonia			
Georgia	There was a case when GNERC got refused to have information. It is a case when companies appeal to information absence.	Facts are not adequate only in case of tariff information.	Practice shows that monetary penalty is very effective.
Hungary			HEO applies penalties occasionally, only in justified cases, but in case of repetitive delays in obtaining information the extent of penalty will increase.
Kazakhstan	In 2006, such a question arose when one of the entities performing regulated activities in the field of gas transmission filed a list of the annual plan of procurements. However, after Agency's explanatory letter, and		

TABLE 6. ENFORCEMENT – PRACTICAL EXPERIENCE			
Country	**Challenges or Refusals to Give the Regulator Requested Data**	**Experiences with Inadequacy of Data Provided to the Regulator**	**Effectiveness of Enforcement Mechanisms**
	also on the basis of the provision of the Law on responsibility for disclosure of a commercial secret, the question was resolved.		
Kosovo	We didn't have any such case yet.	We have not had any such experience yet.	We didn't have any such experience yet.
Kyrgyz Republic	No such data available Companies did not enter into direct conflicts with the regulatory body with regard to providing of information, as according to the law the regulator has a right to request any information, including the information considered by the company as confidential. It is binding upon the company to provide such information, but the regulator could not publish it or provide it to other party.	There were some cases when incorrect information or distorted figures in reports was provided, when after reviewing them by the regulator became clear that there was no balance of electricity according to accounting data or there was no data in the reports on earned revenue from certain amounts of energy sold. Most commonly these discrepancies are resolved by joint review of accounts and mostly the companies agreed with regulator's reasoned decision not to accept this information or adjust data to regulator's requirements. Occasionally, in order to settle such kinds of disputes between regulator and company, the regulator had to write to the Government of the Kyrgyz Republic and these issues were under consideration of the government session, where both parties should provide their evidential backgrounds. Either the regulator or the Government has not taken any special measures against companies. (These were the generation and transmission companies).	
Latvia	Neither obligation set by law, nor obligation set by PUC's decision to provide requested data to PUC was challenged by providers of public utilities. There have not been refusals of giving any information to PUC. This,	There have been disagreements and disputes of how the information and in what extent it should be published or differently public available and what information should be considered as commercial secret.	The enforcement mechanisms (such as administrative penalties) are effective and preventive.

TABLE 6. ENFORCEMENT – PRACTICAL EXPERIENCE			
Country	**Challenges or Refusals to Give the Regulator Requested Data**	**Experiences with Inadequacy of Data Provided to the Regulator**	**Effectiveness of Enforcement Mechanisms**
	however, does not exclude cases when providers of public utilities provide incomplete or incorrect information. In such cases PUC is authorised to initiate administrative violence case, before that giving additional time to providers of public utilities to submit complete and correct information to PUC.		
Lithuania	Law on Energy prescribes that governmental institutions (including the Commission) have a right to get from companies all information they need to carry out stated functions. But, for example, Rules for Licensing in Natural Gas sector engage companies to provide to Commission information "about contracts". There were some cases when companies refused to bring all asked contracts to Commission and provided only information "about" contracts. Usually companies refuse to give financial statement and audit of expenditure. Such companies were punished by Commission in administrative order.	In a case on data inadequacy, NCC experts first try to communicate with licensees in an informal way and qualify inadequate data. But if licensees refuse to correct data, the administrative procedure is started. This means that licenses can be punished by NCC in administrative order for providing false information.	NCC practice shows that informal mechanisms are not effective – the same infringements repeat year after year. Despite the fact that administrative fines are quite low the official administrative procedure is more effective. Maybe it depends on the fact that in Lithuania administrative fines can be imposed only on natural entities – this mean that fine should be paid by director of legal entity.
Macedonia	Refusals to give the regulator requested data is prohibited on the provisions of the above mentioned Energy law and Rulebook on conditions, method and procedures for granting, modification and revocation of energy license	For example: The Regulatory commission revoked the 2 licenses for A.D. GA-MA, (TSO for natural gas), because it didn't in the term submit the request and the data according to the Rule on the method and conditions for regulating prices of natural gas. In this period (without licenses) A.D. GA-MA, according to the Energy law, had to continue performing	The Energy Regulatory Commission of the Republic of Macedonia has not had a bad experience with effectiveness of enforcement mechanisms

TABLE 6. ENFORCEMENT – PRACTICAL EXPERIENCE			
Country	**Challenges or Refusals to Give the Regulator Requested Data**	**Experiences with Inadequacy of Data Provided to the Regulator**	**Effectiveness of Enforcement Mechanisms**
		its activity under supervision of the competent inspectorate.	
Moldova	No instances		In accordance with Law on Electricity No.137 as of 17.09.1998 (Article 7(2) (h)) and with Law on Gas no.136 as of 17.09.1998 (Article 7 (1) (g)), the regulatory body can charge fines to licensees.
Mongolia	Not yet.	Not yet.	No mechanisms have been applied so far.
Montenegro	Data and reports are delivered in established and required terms.		Mechanisms are considerably efficient, but there are coordinated in practice
Poland	When a company refuses to present some data requested according to Art. 28 of Energy Law, the President of ERO has the right to impose a financial penalty. In several cases the enterprises refused to submit required information, but the confidentiality of data has never been the reason for refusal. In these cases the penalties were imposed and paid.	All inadequate data can be completed or corrected upon on request of the President of ERO. The data provided during administrative proceedings should be completed or corrected to indicated deadline (in accordance with Administrative Proceedings Code).	Both of above mentioned methods are effective; a request for complete or correct data is more often used then financial penalties; generally, a refusal of providing the data is not a serious problem in ERO's practice.
Romania (Elec)	Refusal of supplier to disclose the price from the contract negotiated with their eligible customers.	During an investigation process, the inspectors found out the license holder had submitted to the Competent Authority inaccurate or incomplete data needed for tariffs setting.	The applied penalties in most cases are useful because the license holders after receiving a penalty don't repeat the illegal deeds even if they are not content with ANRE's decisions and appeal these decisions to the Court.
Romania (Gas)	Not yet	No experience	
Russia	There were no problems related to data collection.	There were no problems related to data collection.	
Serbia	Too new – not yet	So far, the licensees have been active in providing the necessary data in line with the reporting forms that have been issued by AERS. All data that has been assessed as inadequate, i.e. not in line with the reporting forms, has been corrected in a two-way communication between the licensees and the relevant AERS experts, the result being the abolishment of all inadequate data. In terms of the inadequacies or other shortcomings of data	The "soft approach" (two-way communication between AERS experts and the licensees) has been successful and no other measures have been applied so far.

TABLE 6. ENFORCEMENT – PRACTICAL EXPERIENCE			
Country	**Challenges or Refusals to Give the Regulator Requested Data**	**Experiences with Inadequacy of Data Provided to the Regulator**	**Effectiveness of Enforcement Mechanisms**
		requested for the purpose of issuing of a license has been resolved in line with the administrative procedure conducted in line with the Law on General Administrative Procedure. This means that the license applicants have been informed (some on more than one occasion) in written form on the deficiencies of their application and data supplied, and given a procedural deadline for making the necessary corrections. Ultimately, such applicants have either provided the requested data in the requested form or have opted to revoke their application.	
Turkey			
Ukraine		According to the Procedure for control over licensees' compliance with Conditions and Rules for carrying out economic activities on supply of electricity at the regulated tariff and non-regulated tariff, on electricity generation, electricity transmission through local power networks, wholesale supply of electricity, transmission of electricity through main and interstate power lines approved by NERC Decree of April 13, 2006, #457 (hereinafter referred to as "Methodology 1"), and Procedure of control over licensees' compliance with Conditions and Rules of carrying out entrepreneurial activities related to supply of natural gas at the regulated and non-regulated tariff, on storage of natural gas, distribution of natural gas and oil gas through main pipelines approved by NERC Decree of December 7, 2005, # 1102 (hereinafter referred to as "Methodology 2"), NERC has the right to cancel a license on the basis of an act on detection of inauthentic data in the documents	*I. In the electricity sector* According to Methodology 1, if a licensee fails to eliminate violations within the period of time for which NERC suspended its license; NERC can make a decision on canceling the license. In case a licensee fails to meet requirements of NERC on imposing sanctions on it (except for canceling of the license), the Commission conducts an ad hoc inspection, and based on the results of the inspection an act is drawn up, which is transferred to NERC for examination to apply sanctions or cancel the license. The following can serve as grounds for canceling a license: o repeated violation by the licensee of License conditions o decision on canceling the state registration of a subject of entrepreneurial activity o identification of inaccurate data in the application for obtaining a license or in the documents that are enclosed to it o transfer of a license by a subject of entrepreneurial activities to some other person o impossibility of a licensee to ensure execution of License conditions. *II. In the oil and gas sector* According to the Procedure, licensee's failure to comply with an order on elimination of

TABLE 6. ENFORCEMENT – PRACTICAL EXPERIENCE			
Country	**Challenges or Refusals to Give the Regulator Requested Data**	**Experiences with Inadequacy of Data Provided to the Regulator**	**Effectiveness of Enforcement Mechanisms**
		submitted by the economic entity in order to obtain a license; act on establishing a fact of non-submission within a set period of time of a notification on changes in data indicated in the documents that are submitted together with an application to get a license, an act on refusal of a licensee to conduct NERC inspection.	violations within the specified period of time can serve as grounds for canceling the license.

TABLE 7. PUBLIC ACCESS TO DATA HELD BY THE REGULATOR			
Country	**Legal Authority of the Regulator to Collect Data that is Confidential/Implicates Business Secrets**	**How Data is Labeled Confidential/Involving Business Secrets**	**Public Access to Data Collected by the Regulator**
Albania	It is stated in the license and also in the Law that ERE has right to control the applying of every fact, condition, practice or problem that it thinks necessary or appropriate to determine whether a person has violated one of the provisions of this law, a rule, or an order derived from them.	When it is requested by the licensee to be treated as confidential ERE respects that.	Based on the Law No. 8503, date 30.06.1999 "On the right of information on the official documents" all persons have the right to get access to the files and registers of the public administration except for the documentation classified as state secret. Within 40 days from the request for access to a file the public authority is obliged to give all the information required.
Armenia	Law on Energy of the Republic of Armenia, Articles 17, 20, 29	In accordance with Part 2, Article 20 of the Law on Energy of the Republic of Armenia, a license holder has the right to prove that publication of information presented by him (including «secret information related to the company») can be harmful to competitiveness of the company and that prevails over the public good brought by publication. The Commission is authorized to accept or drop the request of the license holder not to publish such information.	Law on Energy, Article 20, which clearly speaks about access to data and publicity: "1. Information presented to the Commission by a license holder can be published unless the license holder considers it confidential and unless it is labeled as 'secret information related to the company.'"
BiH	SERC has legal authority to collect confidential data. It shall maintain the confidentiality of any such data and information that are deemed trade secrets or confidential.	According to the Rules of Confidential Information Protection, all confidential documents and information printed on paper or in electronic form, recorded on some medium, shall be put in a sealed envelope designated by the label "CONFIDENTIAL" in a visible place, registered in a separate book, archived separately and kept in locked cupboards in premises with restricted access. Documents and information classified as official secrets by SERC shall have the label "OFFICIAL SECRET" in addition the label "CONFIDENTIAL."	SERC is obligated to make its annual accounts and other information available to the public and its rules and regulations have to include provisions that protect the right of accessibility to information and data (to all types of documents except to commercially sensitive information if the confidentiality is deemed necessary). As a rule, information and data under SERC's control are as a whole available to all interested parties on the SERC web page. Upon a request of any natural or legal person, they can be available in the same form. All information and data under control of a public body are a public good, with exceptions as determined by law. As a rule, access to information has to be provided no later than 15 days after the receipt of the request. In addition to this, according to SERC rules and regulations, the licensed entities are also obligated to make certain information and data available to the public, and put them

TABLE 7. PUBLIC ACCESS TO DATA HELD BY THE REGULATOR			
Country	**Legal Authority of the Regulator to Collect Data that is Confidential/Implicates Business Secrets**	**How Data is Labeled Confidential/Involving Business Secrets**	**Public Access to Data Collected by the Regulator**
			directly at disposal to interested members of the public in a proper manner (web page, accessible locations in their main offices and headquarters). SERC decisions are rendered in a transparent manner, issued in writing and published in the Gazette of BiH, and they are also available on its web page.
Croatia	Article 30 of the Rulebook states that all data submitted to the Agency by an energy undertaking according to the provisions of that Rulebook and classified as secret in line with the provisions of the Act on the Protection of Data Secrecy, shall be classified in the same way by the Agency.	As far as the secrecy of data is concerned, the Act on the Protection of Secret Data (OG #108/96), Articles 19 and 20, provides for general provisions regarding data that is considered business secret. Based on Article 19 of the aforementioned Act, the data considered business secrets are the data determined by the law as such or by another piece of legislation or by a general company act, the institution or another legal person and that represent a production secret, the results of a research or a construction study and other data the publication of which could harm the economic interests of the company. Apart from the above mentioned, the legal person is obliged to keep secret the data it learned from other legal persons as business secret, the data referring to the operations it carries out for military force or police force in the Republic of Croatia or other public institutions, provided they are protected by the corresponding level of secrecy, the data containing bids for a public bidding or an auction (until publishing the results of the bidding or the auction) as well as the data determined secret data of special economic interest by relevant acts or other pieces of legislation. In that sense, the Agency has adopted Article 26 of its Statute (OG #86/05), according to	The Rulebook on the conditions on carrying out energy activities prescribes the form, the content and the method of keeping a register of issued and revoked licenses for carrying out of energy activities. The Agency keeps the registry and consists of registry files for each particular case. The file of each particular case contains the following: the request for issuing of a license, documentation submitted with that request, the license for carrying out an energy activity or the ruling on revoking of such a license, if such ruling has been issued, the decisions on the authorized second-level authority regarding appeal on the ruling on revoking of a license, if such decision has been made. These data are not made public. According to Article 20 of the aforementioned Rulebook it is prescribed that the registry of licenses is kept electronically and it contains the following: the registry number of the license, the data of entry into the register of licenses, the full name, residence and the address, the energy undertaking's identification number, the name of the energy activity, the period for which the license is issued, the date of issuing the Agency's ruling on revoking of the license, the date of issuing of the ruling which approves carrying out of energy activities. Since Article 23 of the Rulebook prescribes that the license registry is public, these data are made public via website of the Agency (www.hera.hr). As far as the time period for publishing the data from Article 20 of the Rulebook, it is 30 days from the day of the publication.

TABLE 7. PUBLIC ACCESS TO DATA HELD BY THE REGULATOR			
Country	**Legal Authority of the Regulator to Collect Data that is Confidential/Implicates Business Secrets**	**How Data is Labeled Confidential/Involving Business Secrets**	**Public Access to Data Collected by the Regulator**
		which it can determine what it considers official and business secret. It is also prescribed that the Agency's Rulebook on Business or Official Secret should be passed. The data considered official secret must be adequately labeled, which is in line with the Act on the Protection of Data Secrecy.	
Estonia	According to the law there is no difference between ordinary data and confidential information. The Inspectorate has the right to get any data. Only if a person transferring information/ data stated that the data is confidential, then the Inspectorate should keep such data confidential.	Law on the Electricity Market, Article 97 provides: *The Energy Market Inspectorate keeps as confidential the information that was presented to it, which, while being transferred by a certain person was announced to represent a commercial secret.*	Decisions of the Energy Market Inspectorate become public, and all the data contained in decisions. There is an exception in this respect, if while transferring data the person stated that the information represents a commercial secret, and then such data is not published.
Georgia	All information for GNERC is open and accessible.	According to the law, licensee can request that the GNERC keep some business information i	All information about licenses which GNERC has is publicized, besides case when GNERC s decided information is secret.
Hungary	According to the Paragraphs 10. § m) and n) of Act No. CX of 2001 on Electric Energy (VET) and the paragraphs 4. § j) and k) of the Act No. XLII of 2003 on Natural Gas Supply (Gas Act, GET) the HEO ("HEO") shall have right to access the documents related to the licensed activity and to request information. HEO has the power to collect all the information applying to all licensed activities by the licensee regarding information on technical, economical and financial fields, including confidential information too. The licensee has the liability to disclose any relevant confidential	Specific data and information collected by the regulator from entities and individuals with or without a license which is marked as "confidential". In this case, the HEO is not authorized to publish that information. Only internal usage is allowed for studies or aggregated statements. The president of the HEO decides whether such classification of information is justifiable or not.	Timeline for making data gathered by the HEO public: *Electricity Data:* 2.1.1. Data from the TSO o within 45 days following the actual month: Capacity data (MW); Production/generation data (MWh); Transmission data (MWh) o after the congestion event: congestion information o before April 15th following the actual year: Employee data (person), transmission grid data (km) and Stranded costs, o before May 30 following the actual year: supply quality indicators 2.1.2. Data from power plants o within 45 days following the actual month: Electricity generation and sales data (MWh; HUF/MWh); heat generation and sales data (GJ; HUF/GJ); Electric capacity data (MW) o before April 15th following the actual year: Employee data (person) 2.1.3. Data from DSOs o within 45 days following the actual month:

TABLE 7. PUBLIC ACCESS TO DATA HELD BY THE REGULATOR			
Country	**Legal Authority of the Regulator to Collect Data that is Confidential/Implicates Business Secrets**	**How Data is Labeled Confidential/Involving Business Secrets**	**Public Access to Data Collected by the Regulator**
	information such as financial balance, income, prices, activities etc. what HEO regularly or occasionally (for price-preparing issues) need. A ministerial decree regulates the information collection and transmission process – in case for electricity companies the decree 36/2002. (XII. 19) GKM (ARV), in case for natural gas industry the decree 86/2003. (XII. 16.) GKM (ARG). Besides the above general regulation the access to the financial data of licensed undertakings is granted for the HEO according to paragraph 97. §b) of VET and the paragraph 49. §(4) of GET. HEO has their own Code to protect confidential information		distribution data (MWh) o before April 15th following the actual year: distribution grid data (km), o before June 30 following the actual year: supply quality indicators and data on income from the customers for the connections and for grid development (these are distinguished elements in the tariff); o after the congestion event: congestion information o after the end of the third month following the actual year: Employee data (person) 2.1.4. Data from the Public Utility Wholesaler o within 45 days following the actual month: purchase and sales data (MWh); average prices (HUF/kWh); Capacity data (MW) o before April 15th following the actual year: Employee data (person) 2.1.5. Data from the Public Utility Suppliers o within 45 days following the actual month: purchase and sales data (MWh) and average prices (HUF/kWh) separated by tariff categories; o after the end of the third month following the actual year: supply quality indicators o before April 15th following the actual year: Employee data (person) 2.1.6. Data from the Traders o within 45 days following the actual month: purchase and sales data (MWh) and average prices (HUF/kWh); **2.1** Gas Data**:** (as required by decree No 86/2003.): 2.2.1. Data from the independent SO o after 60 days following the actual month: o gas balance data(1000 m3) o Domestic production o Imports o Transit o Transit fees o Export o Storage withdrawal o Storage injection o Own consumption o Total sales (separately to wholesalers and to eligible consumers) 2.2.2. Data from the transmission company o before April 15th following the actual year:

TABLE 7. PUBLIC ACCESS TO DATA HELD BY THE REGULATOR			
Country	**Legal Authority of the Regulator to Collect Data that is Confidential/Implicates Business Secrets**	**How Data is Labeled Confidential/Involving Business Secrets**	**Public Access to Data Collected by the Regulator**
			Grid data (total operating as of year end, constructed and abandoned in the actual year in km) o after 60 days following the actual month: capacity data of the interconnected system (max daily capacity in MMm3/day and total booked capacity in 1000 m3/hour) o Information on each restrictions (duration, caused by, number of customers affected, site - on a case to case basis) 2.2.3. Data from the Public Utility Wholesaler o after 60 days following the actual month: • purchases (1000 m3) from domestic producers, withdrawal from storages, imports • sales (1000 m3) to public utility customers and to customers supplied directly from transmission pipeline system, resp. • capacity data (max daily sales capacity in MMm3/day and total booked capacity in 1000 m3/hour) • average sales prices (HUF/GJ, HUF/m3) separately to publ. util. suppliers and to customers supplied directly from transmission pipeline system, resp. o before April 15th following the actual year: Employee data (total average for the year out of which No of persons employed for activity subject to license) 2.2.4. Data from the *Public Utility Suppliers* o before April 15th following the actual year: Employee data (total average for the year out of which No of persons employed for activity subject to license) o Customer satisfaction information o after 60 days following the actual month: purchase and sales totals out of which sales broken down by customer categories (1000 m3) o and average sales prices (HUF/GJ, HUF/m3) broken down by customer categories 2.2.5. Data from the distribution companies o before April 15th following the actual year: Grid data (total operating as of year end, constructed and abandoned in the actual year

TABLE 7. PUBLIC ACCESS TO DATA HELD BY THE REGULATOR			
Country	**Legal Authority of the Regulator to Collect Data that is Confidential/Implicates Business Secrets**	**How Data is Labeled Confidential/Involving Business Secrets**	**Public Access to Data Collected by the Regulator**
			in km) o Employee data (total average for the year out of which No of persons employed for activity subject to license) o after 60 days following the actual month: daily max distribution capacity (MMm3/day) and booked total capacity (1000 m3/hour) o Information on restrictions (duration, caused by, number of customers affected, site - on a case to case basis) 2.2.6. Data from the gas storages o after 60 days following the actual month: stored volumes at the beginning and at the end of the period, injections and withdrawals (1000 m3) o surplus income from gas volume nominations
Kazakhstan	Information comprising a commercial secret is presented with a mark «commercial secret» and can be sent in a separate cover, but it has to be included in the package of information (documents) for examination of the petition. A commercial secret in the composition of information cannot serve as grounds for a refusal to present it to the authorized body, and meanwhile, the owner of the property of the entity, should provide a comprehensive data list comprising a commercial secret, or to attach a copy of the act of the owner of the entity's property on approval of the data list comprising a commercial secret. The fact that information (documents) are outside of the territory of the Republic of Kazakhstan cannot serve as grounds for a refusal to present it to the authorized	Changes made in the Law on July 5, 2006, on the legislative level set a prohibition to recognize as a commercial secret the following information: that is contained in the tariff estimate; on costs associated with acquisition and installation of metering devices for regulated utility services and on the mechanism of billing; on provided regulated utility services (goods, works). This innovation was dictated by the rights of a consumer of services of the entity, specified in Article 10 of the Law that include the right to participate in public hearings and in procurement tenders for services (goods, works) of a subject of the natural monopoly.	One of the key rights and duties of the authorized body is to make *consumers aware of decision made on issues related to regulation of activities of subjects of natural monopolies, except for those [issues] that contain data comprising commercial or other legally protected secrets.* In addition to material put forth in a public hearing, data that have to be published by subjects of natural monopolies in mass media also include an auditors' report and annual financial statements, which also have to be published in periodicals distributed in the relevant territory of the administrative-territorial unit, where the subject of the natural monopoly carries out its activities no later than 30 days from the moment the auditors' report was approved according to the procedure set by the legislation of the Republic of Kazakhstan. For the purpose of strengthening of the system of consumer rights protection, ensuring transparency of activities of subjects of natural monopolies for consumers and other interested persons, in the form of a hearing annual reports on activities of the subject of the natural monopoly related to provision of regulated services (goods, works) are presented to consumers and other interested persons, the procedure for such hearings is set by the order of the authorized body. Hearing of the annual report is conducted by the subject of the natural monopoly in premises identified by it. Hearing

TABLE 7. PUBLIC ACCESS TO DATA HELD BY THE REGULATOR			
Country	**Legal Authority of the Regulator to Collect Data that is Confidential/Implicates Business Secrets**	**How Data is Labeled Confidential/Involving Business Secrets**	**Public Access to Data Collected by the Regulator**
	body.		conducted by the subject of the natural monopoly takes place before May 1 of the year following the reporting year. A speech of the subject of the natural monopoly should contain the following information: on execution of investment programs and/or investment projects, including those coordinated with the authorized body; on major financial and economic indices of operations of the subject of the natural monopoly for the reporting period; on the volumes of provided regulated services (goods, works) during the reporting period; on the work done with consumers of regulated services (goods, works); on prospects of activities (development plans), including possible changes in tariffs for regulated services (goods, works). In his speech, the subject of the natural monopoly has to provide detailed explanations related to quality of provision of regulated services (goods, works) to consumers.
Kosovo	The ERO shall have the right to require from any energy enterprise or public authority information, data, and documents, including confidential information, necessary for the fulfillment of its functions, duties and powers. The ERO shall make the final determination as to whether specific material constitutes confidential information in accordance with a secondary legislation issued by the ERO. Information obtained that constitutes confidential information shall not be disclosed except to the judiciary and other public bodies which is required by law. (Law on Energy Regulator).	The ERO shall make the final determination as to whether specific material constitutes confidential information in accordance with a secondary legislation issued by the ERO. ERO issued Rule on Confidentiality of Information that sets forth criteria for determination of confidentiality of information. If information is found to be confidential it shall not be disclosed except to the judiciary bodies as required by the Law on Access to Official Documents (Regulation No. 2003/32).	Article 18.1 of the Law on Energy Regulator sets forth the requirement to the ERO to maintain a public register of all licenses issued, together with the details of such licenses. Such Register is published on ERO's website: www.ero-ks.org. The procedures for maintaining the public register and the details to be recorded in the public register shall be established by the ERO in a Rule on Public Registered issued by ERO. Applications for the licenses (except the document that are confidential) are publicly available and can be reviewed by any interested party. In secondary legislation (Rules) adopted by ERO the energy enterprises are required to publish information that are relevant to the customers such as different charges for connection, disconnection, reconnection, transmission charges, information to the customers regarding dispute resolution, forms for dispute, connection, forms of invoices and different and similar contracts. Same requirement is included in all forms of licenses issued to the energy enterprises. The licensees are required to publish information on their official websites. Although there is no specific deadline, ERO monitors websites of licensees and requires them to publish information in a prompt manner.

TABLE 7. PUBLIC ACCESS TO DATA HELD BY THE REGULATOR			
Country	**Legal Authority of the Regulator to Collect Data that is Confidential/Implicates Business Secrets**	**How Data is Labeled Confidential/Involving Business Secrets**	**Public Access to Data Collected by the Regulator**
Kyrgyz Republic	In accordance with this Law, data that was marked as confidential by companies is not subject to public discussion and examination. At the same time, as it has been mentioned above, in accordance with the Law «On energy», Article 12. Access to information, the Agency – within its competence – has free access to all documents of the fuel and energy complex enterprises. It is the case that the Agency can get any data, but cannot publish or disclose any data.	Law of the Kyrgyz Republic, *On a commercial secret*, Art. 4 states: o Subjects of a commercial secret are physical persons and legal entities of the Kyrgyz Republic, and those of other states involved in entrepreneurial activities in the territory of the Kyrgyz Republic o The state guarantees the right of a subject of a commercial secret to keep it confidential and the right to protection according to procedures stipulated in the legislation» Article 5 of the same law, identifies objects of a commercial secret as: o Intentionally concealed economic interests and information about various aspects and spheres of production-economic, managerial, scientific-technical, financial activities of an economic entity, protection of which is dictated by the interests of competitiveness and by the possible threat to the economic safety of the economic entity. o Contents and volume of information comprising a commercial secret are determined by subjects of entrepreneurship». According to the law « On a commercial secret» objects of a commercial secret cannot include: o Constituent documents as well as documents granting the rights to carry out entrepreneurial activities and certain types of economic activities subject to be licensed (charter, decision to	o Data on issued licenses, cases of suspension or revocation of licenses, registry of licenses issued by the regulator can be placed on the site of the regulator or presented, upon request, to interested persons (written requests of consumers, public organizations dealing with protection of consumer rights, requests of members of the Parliament). o The Law «On Electricity», Article 15-1 «Mutual obligations of subjects of energy supply», item 4 says: «Any change in tariffs for electricity should be officially published in mass media at least one month before new tariffs come into effect». That means that information about a tariff increase has to be published by the regulator one month before the proposed increase in mass media. (Law of the KR as in force on December 6, 2004, #187) o The Law of the Kyrgyz Republic «On guarantees and freedom of access to information». The Law regulates relations arising in the process of exercise of citizens' rights to look for, obtain, examine, produce, transfer and disseminate information freely and without any obstacles. In accordance with this law any citizen or legal entity can get information from the regulator. An information request can (but does not have to) be made in a written form (with indication of personal data, address, name of the requested information or its nature), and has to be registered. Information related to the request that touches upon rights and lawful interests of the requestor is provided free of charge. o Access of citizens to information is ensured through publication and dissemination of relevant materials via periodicals, information TV and radio programs, possibilities to get familiar with sources of obtained information. The norms for disclosure and presentation of information, for example, terms, volumes of presented information, and, correspondingly, violations are determined by the procedural law. o In due time the State Energy Agency with the assistance of USAID experts developed internal documents, which were approved

TABLE 7. PUBLIC ACCESS TO DATA HELD BY THE REGULATOR			
Country	**Legal Authority of the Regulator to Collect Data that is Confidential/Implicates Business Secrets**	**How Data is Labeled Confidential/Involving Business Secrets**	**Public Access to Data Collected by the Regulator**
		establish an enterprise or founders' agreement, registration certificates, licenses, patents) o Information according to set forms of statistical reporting, as well as reports on financial and economic activities and other data necessary to verify accuracy of calculation and payment of taxes, and other mandatory fees o Documents on payment of taxes and other mandatory fees o Documents evidencing solvency o Information on the number, composition of employees, their salaries and labor conditions, as well as information on vacancies o Information on environmental pollution, violation of anti-monopoly legislation, breaches of job safety rules, sale of products that are hazardous for health of consumers, and also on other violations of the legislation and the size of damage caused o Information on involvement of officials of state-owned enterprises in organizations performing entrepreneurial activities.	by the Executive Council of SEA. These are Rules for conducting open meetings of the Executive Council, making collective decisions, and for presentation of information and interaction with mass media. But in fact these Rules were applied only for some time, and then, after authorities changed, the Rules were not applied.
Latvia	PUC is authorized to collect any data, including confidential data or business secrets if such information/data falls within the scope of information necessary for performing PUC's functions prescribed by law.	Commercial Law sets basic rules on how information containing business secrets should be disclosed. In addition, PUC's internal order on procedure how confidential information is labeled provides that information containing commercial secrets should be labeled as restricted. Usually, by providing information containing commercial secrets, providers of	Regulator does not publish any information given by company because companies given information is provided for regulator's functions fulfilling (analysing of situations, carrying of decisions etc.). In all legal acts (Energy law, Electricity Market Law) established and for publishing provided information (balance sheet, the profit-and-loss account and the cash flow statement) is published by company (service provider) in law or regulator appointed order and date (not later than one month after the approval of an annual

TABLE 7. PUBLIC ACCESS TO DATA HELD BY THE REGULATOR			
Country	**Legal Authority of the Regulator to Collect Data that is Confidential/Implicates Business Secrets**	**How Data is Labeled Confidential/Involving Business Secrets**	**Public Access to Data Collected by the Regulator**
		public utilities indicate which information is confidential (for instance, by providing preliminary annual balance sheets) and contains commercial secrets and PUC takes it into consideration.	account in accordance with the procedures prescribed in the Law On Annual Accounts of Undertakings). [Article 12 of the Energy Law; Article 39 Electricity Market Law] Company has to provide the possibility that every interested person could get acquainted with the balance sheet, the profit or loss account and the cash flow statement, as well as other information given by law which is not stated as limited accessibility information. [Article 12 of the Energy Law; Article 39 Electricity Market Law]
Lithuania	There were some court proceedings when a non-governmental institution claimed to get confidential (the trade secret) information from Commission, which was. However Commission has won those cases – court decided that confidential information should be protected by regulator, but the right to decide what information is confidential belongs to companies. Companies must provide to Commission all information it needs – there are no exceptions to commercial or other kind of information. But Commission can't pass on confidential information to third parties.	Right to decide what information is confidential belongs to the companies (provisions of The Civil Code, The Law on Corporations). But The Law on Energy prescribes (Article 19, Para. 5), that energy enterprises' information on expenditure is public. This means that such information can't be considered as a business secret. Also there is a detailed list of information which can't be confidential (considered as a business secret) in The Law on Natural Gas (Article 7, Para. 3).	There are two types of publicly available data: o Data regulator must announce officially - all normative acts adopted by regulator (data on set and adjusted prices, etc.). Normative acts adopted by regulator must be officially announced 3 days after adoption o Data provided at concrete request – regulator must furnish all interested persons with available information (information which was created by NCC or specialists of officially received information). Exception – confidential information
Macedonia	According to the point 2, Article 24 of the above mentioned Energy Law: (2) The documents, data, and information, which are classified as confidential shall be used and maintained by the Regulatory Commission, in a manner determined under this act to protect the confidentiality of such information.	In the reports provided to the Regulator the license holder has to singe the documents, information and data that are confidential.	On the base of the above mentioned signed confidential data the Regulator classified data that has a status of free public access. The Regulator made the list of documents that are of public interest.

TABLE 7. PUBLIC ACCESS TO DATA HELD BY THE REGULATOR			
Country	**Legal Authority of the Regulator to Collect Data that is Confidential/Implicates Business Secrets**	**How Data is Labeled Confidential/Involving Business Secrets**	**Public Access to Data Collected by the Regulator**
Moldova		Pursuant to a separate regulation, Rules for using Confidential Information. According to Article 1 of the Law on a Commercial Secret #171, of July 6, 1994, commercial secret means information that is not a state secret and is related to production, technology, management, financing and other activities of an economic entity, disclosure (transfer, leakage) of which can cause damage to its interests. Information comprising a commercial secret belongs to a subject of entrepreneurial activity or is in its ownership, use, disposal, within the limits set by it in accordance with the legislation. Article 2 of the same Law stipulates that information representing a commercial secret should meet the following requirements: o To have either actual or potential value for the subject of entrepreneurship o Not be publicly known or publicly accessible according to the legislation o To be labeled properly, and subjects of entrepreneurship have to take relevant measures in order to maintain their confidentiality through the system of classification of the named data, elaboration of internal rules for classifying them, introduction of appropriate labeling of documents or other information carriers, organization of secret files management o Not to represent a state secret and not to be protected by copyright and patent rights o Not to contain information on negative activities of physical persons and legal entities that could cause damage to the interests of the state Article 5 of the Law on a	Article 12 of the same Law states that the Administrative Board of the Agency operates in a way that ensures its openness, and for that purpose: All stakeholders are notified in advance about the agenda of the meeting of the Administrative Board, they and the general public get free access to discussion of issues that are on the agenda, except for those that are of confidential nature, but even in that case any interested person has the right to get familiar with the decisions that were made. Rules for using confidential information are specified in a

TABLE 7. PUBLIC ACCESS TO DATA HELD BY THE REGULATOR			
Country	**Legal Authority of the Regulator to Collect Data that is Confidential/Implicates Business Secrets**	**How Data is Labeled Confidential/Involving Business Secrets**	**Public Access to Data Collected by the Regulator**
Mongolia	All data requested by the ERA are not concerned with the business secrets of the Licensees.		According to the Statute #68, 2006 of the ERA a methodology was adopted to make the ranking of the Licensees quarterly based on the performance criteria such as profit, loss, liabilities and receivables, power plant's own power consumption rate, transmission and distribution, company's rate of transmission and distribution losses, etc. The ERA publishes this ranking in the official newspaper of Mongolia and on its website.
Montenegro	Regulator may get all data, and keeps as confidential those for which the undertaking requires so.	Energy company requires commercial confidentiality of data relating to its operations in case it is anticipated by the Law. Through the way settled by legal acts of undertakings and Regulation on Regulator's operations.	All data are publicly available. They are submitted once a year pursuant to provisions from licenses or on the Regulator's request. Data is submitted even in short terms established by licenses and on the request by the Agency and than regulator may use them.
Poland	Article 28 of Energy Law gives the President of ERO the right to collect all data requested and related to business activity of energy enterprises and concurrently create the obligation of preserve the confidentiality of data (e.g. classified information, personal data, business secrets, etc.).	When the enterprise presents to ERO' President documents containing their commercial confidentiality they inform ERO and put a special clause on those documents. Then ERO should respect its confidentiality and the data could be presented only to persons who have a special certificate of access (e.g. the officials of ERO and the judges) and cannot be shown to other persons, e.g. other part of dispute being solved by Regulator.	It is necessary to distinguish between the data which should be published under the provisions of law, the data which should be shown on request of an entitled person and institution and the data which are collected but not for disclosure. According to Art. 31 the ERO publishes "ERO Bulletin" with the following information: o information on the entities which apply for a license o information on the decision on issue of license and tariffs including their publication o (the tariffs are published within 14 days from its approval) o the decisions resolving the disputes arbitrated by the President of ERO o the average price of sale of electricity co-generated with heat and average price of sale of electricity on the competitive market – in the previous calendar year The information referring to heat is published in the locally appropriate official journal. According to the Act on Access to Public Information, the President of ERO is obliged to present – on request – information on his activity defined as "public information". Judicial jurisdiction has recognized as "public information" also the decision of administrative body undertaken in individual cases (but the data of private persons are protected by the provisions of the Act on Personal Data

TABLE 7. PUBLIC ACCESS TO DATA HELD BY THE REGULATOR			
Country	**Legal Authority of the Regulator to Collect Data that is Confidential/Implicates Business Secrets**	**How Data is Labeled Confidential/Involving Business Secrets**	**Public Access to Data Collected by the Regulator**
			Protection). The other data collected during the administrative proceeding could be presented only to part of this procedure, because they may include the other personal data. The President of ERO is also obliged to present several documents, or copy of acts, on request of courts or prosecutor's offices as a proof in a trial or an inquiry.
Romania (Elec)	The Competent Authority has full authority to request data, but the Competent Authority has to preserve the confidentiality of data that is determined as confidential.	If we analyze these categories of data in the context of all laws that regulate this issue, we notice that while the state secret data are expressly approved by the Government, the confidential data or the business secret are determined by the companies who have the right to decide what is to be considered business secret based on the definition referred to in the law (information whose disclosure may cause injuries to the company). However, the Competent Authority, according to law, has the right to contest the confidentiality level determined by the company that could be overestimated.	o The Competent Authority is responsible for the public availability of all documents referring to the application for an authorisation/license issuing, updating, suspending or withdrawing. The access to these documents is obtained upon a written request o The Regulatory Committee meetings for authorisation /license granting are public o The Competent Authority publishes annual reports on its activity and on the development and functioning of the electricity market There is no public access to the documents containing: o state secret data o confidential data; or o data liable to endanger or prevent an investment under progress
Romania (Gas)	The regulator has the power to request and collect data that is confidential.	The company that provides data which are considered to be confidential, labeled the document as confidential and the regulator has to keep confidential.	The regulator is entitled to render to the public anytime and any data or information collected from the companies, except those which are commercially sensitive and for which the confidentiality clauses could not be appealed to.
Russia			*The FST of Russia* publishes: *Normative legal acts*: Publishes in official editions, namely, in the "Rossiiskaya Gazeta", Bulletin of normative legal acts of federal executive power bodies. They come into effect in ten days after being published. Decisions of the FST of Russia that are not of normative-legal nature are subject to be published in the Newsletter of the FST of Russia and they come into effect in the procedure set by the FST of Russia.
Serbia	Full; all data requested by the Agency has to be	The Energy Law stipulates in Art. 16, Para. 2 thereof, that pursuant	There should be a clear distinction between the data that the Register of Issued, Suspended and

TABLE 7. PUBLIC ACCESS TO DATA HELD BY THE REGULATOR			
Country	**Legal Authority of the Regulator to Collect Data that is Confidential/Implicates Business Secrets**	**How Data is Labeled Confidential/Involving Business Secrets**	**Public Access to Data Collected by the Regulator**
	submitted to it, but the Agency has to preserve the confidentiality of data that is determined as confidential (i.e., cannot publicly disclose it).	to the Law and other regulations, AERS is obliged to keep as confidential commercial and other confidential business data, submitted to it for performing tasks within its competence. Article 38 of the Law on Commercial Entities covers the issue of confidential information, i.e. the obligation to preserve the confidentiality of a business secret. It defines such information as: *Information on operations of a company determined by company's Articles of Association, company agreement or by-laws, which would obviously result in significant damage to a company if known by a third party are considered to be business secrets.* *Information which is required to be disclosed by law or relates to violation of laws, good business practices and principles of business ethics, including information which is grounds for suspicion of corruption, will not be regarded as business secrets.* *Disclosure of such information is legal if its purpose is to protect the public interests.* The companies have the freedom to set out what is to be considered as a business secret, with the justification of the obvious damage that the company might suffer if such information would become known to a third party. In general the establishment of a business secret does not represent a problem for AERS to obtain such information since AERS has the right to request ANY information it deems necessary to perform its tasks stipulated in the Energy Law. The limitation is on the AERS with respect to publication of such data and can present an obstacle in this respect, but is not	Revoked Licenses contains and all other data (including the data that the Agency will collect for monitoring purposes). With respect to data contained in the Register of Issued, Suspended and Revoked Licenses (which is kept by the Agency), the License Code explicitly states in Art. 20 thereof that the Register is public, while Art. 21 stipulates that the data is made available at the premises of the Agency and that it could be made available in electronic or other appropriate manner (e.g. through the website of the Agency).

TABLE 7. PUBLIC ACCESS TO DATA HELD BY THE REGULATOR			
Country	**Legal Authority of the Regulator to Collect Data that is Confidential/Implicates Business Secrets**	**How Data is Labeled Confidential/Involving Business Secrets**	**Public Access to Data Collected by the Regulator**
		an obstacle with respect to AERS' receipt of such data. Given the vast freedom of the companies to determine what is to be considered a business secret, if AERS considered that something, determined by a company to constitute a business secret, does not qualify as such, AERS has two recourses: first, AERS could proceed with the disclosure of such information justified on the grounds of protection of public interest in line with Art. 38, Para. 2 of the Law on Commercial Entities (and possibly face an action for restitution of damages filed by the company); or second, AERS could initiate a procedure before the Constitutional Court of the Republic of Serbia in order to annul the part of the company's act regulating the business secret on grounds of illegality (non compliance) with the law. The latter is a lengthy but reasonable recourse where necessary.	
Turkey		This is under the responsibility of the Regulator. The Regulator keeps the data confidential if it is commercially sensitive.	The Authority may not disclose any information or document, which the Board deems commercially sensitive for the related licensee, except for cases when requested by a court order. The data and documents submitted to the Market Financial Reconciliation Center shall be kept by TEIAS subject to principles of confidentiality as per the provisions of Balancing and Settlement Regulation. The licensees that have information regarding other licensees, their customers or suppliers through their market activities or any other means shall not disclose such information that may damage commercial relations, to any other third person including their own affiliates and/or shareholders. A legal entity whose license has expired or has been cancelled shall keep commercially sensitive information of other legal entities confidential for five years.
Ukraine	NERC, as a central executive power body with		NERC decisions are published in mass media and on the Internet. In accordance with Section 4 of

TABLE 7. PUBLIC ACCESS TO DATA HELD BY THE REGULATOR			
Country	**Legal Authority of the Regulator to Collect Data that is Confidential/Implicates Business Secrets**	**How Data is Labeled Confidential/Involving Business Secrets**	**Public Access to Data Collected by the Regulator**
	a special status can get such information on the basis of the Law of Ukraine "On information".		the NERC Regulation, minutes of the meetings of the Commission are published and contain: agenda, summary of reports and comments of the participants of the meeting, individual voting results, decisions made by the Commission. Minutes of the Commission meeting should be prepared within three working days after the end of the meeting. Issues on issuances, modification, suspension, canceling of licenses and on extension and restoration of licenses, imposition of sanctions on licensees for violation of License Conditions and current legislation; protection of rights of consumers of electricity and heat, natural gas and oil; approval and revision of tariffs; approval of investment programs of licensees and introduction of changes in them; handling complaints concerning procurements made by NERC licensees; approval of draft regulations of NERC etc. are considered at open meetings. If review of issues at the open meeting of the Commission is against interests of the state or commercial secret, then meetings are held as closed meetings.