

LNG Price Assessment/Benchmarks Expert Group

Ljubljana, 1 December 2022

Subject: Establishment of an Expert Group on LNG Price Assessment/Benchmarks

Dear Sir or Madam,

The European Union Agency for the Cooperation of Energy Regulators (hereinafter “ACER”) has decided to establish an Expert Group on LNG Price Assessment/Benchmarks to advise on the establishment and the integrity of LNG price assessments and/or benchmarks administered by ACER, by providing expertise on all aspects of the price assessment/benchmark determination process.

This group will seek to build on the good experience of previous Expert Groups organised by ACER. Its purpose will be to offer advice and contribute to ACER’s work on issues related to LNG price assessments and/or benchmarks, with which ACER will be tasked under the proposed Council regulation on enhancing solidarity through better coordination of gas purchases, exchanges of gas across borders and reliable price benchmarks¹.

The terms of reference for the Group and specific criteria for the experts are provided in Annex 1.

At this stage, only experts responding to the criteria identified in Annex 1 are invited to apply.

In order to ensure transparency and openness, the organisations to which the applicants belong should be registered in the EU Transparency Register at the following link: <https://ec.europa.eu/transparencyregister/public/homePage.do?redir=false&locale=en>.

The applications should set out briefly:

- A list of relevant qualifications, including education and the number of years of experience after the award of the university degree in the area of LNG markets, price assessments of and/or benchmarks for LNG markets, and in which countries or markets such experience has been obtained. Specific professional experience in the LNG market, especially when it relates the IOSCO Principles for Oil Price Reporting Agencies and the Benchmarks - Regulation (EU) 2016/1011, shall be taken into consideration. A minimum 8 years of relevant professional experience in the energy and/or financial sector will be required for industry experts and a relevant academic field of research for academics and researchers;
- The applicant’s current involvement in wholesale energy markets and REMIT, as well as the company or organisation (including EU stakeholder organisations) of which he or she is a member. For association members, please indicate current and past

¹ https://energy.ec.europa.eu/system/files/2022-10/COM_2022_549_1_EN_ACT_part1_v5.pdf.



participation in or contribution to task forces or working groups and the subject(s) dealt with;

- A list of relevant publications; and
- Contact details.

Please apply by **14 December 2022**, i.e. two weeks after publication of this “Open Letter” on ACER’s website. Applications received after this deadline will not be considered.

Following the receipt of applications, a list of the members of the expert group will be drawn up according to a selection procedure conducted by ACER. According to the “Rules of Procedure for the establishment of ad hoc expert groups” (see Annex 2 of this letter), the Group shall aim to have a broad range of relevant expertise according to Annex 1 and guarantee a balanced diversity.

Applications should be sent to REMIT.expertgroup@acer.europa.eu.

Should you have any questions about the establishment of the Expert Group on LNG Price Assessments/Benchmarks or ACER’s work on this topic, please do not hesitate to contact us at the same email address.

The Expert Group on LNG Price Assessments/Benchmarks may be complemented by an LNG Benchmark Oversight Committee at a later stage.

Sincerely,

Volker Zuleger

Head of the Market Information and Transparency Department

Annex 1

Terms of reference for the Expert Group on LNG Price Assessment/Benchmarks

Deliverable

The ad hoc expert group (hereinafter “the expert group”) should deliver expert advice on the specific questions requested by ACER on LNG price assessments. The form of the advice to be submitted by the expert group to ACER will be determined by the Chairpersons of the expert group.

Schedule

The expert group shall meet at least twice per calendar year and will be expected to meet in Ljubljana or through virtual meetings. The meetings will be organised in coordination with ACER. The experts shall serve for a period of two and a half years.

Qualification

Members of the expert group will be qualified individuals selected by ACER on the basis of their expertise in the area of LNG price assessments/benchmarks and trading and taking account the different nature of the stakeholders affected by ACER’s work.

Members of the expert group are bound by confidentiality requirements in relation to all non-public information they are provided with.

Knowledge of the contents of Regulation (EU) No 1227/2011 on wholesale energy market integrity and transparency is a precondition. Knowledge of financial regulation impacting on energy markets is considered advantageous.

ACER will be seeking to ensure representation of the following types of stakeholders:

- LNG Market Participants;
- Organised markets and other persons professionally arranging transactions offering trading in LNG wholesale energy products;
- Price reporting agencies;
- Benchmark administrators;
- Other users and distributors of LNG wholesale energy market information (e.g. information providers, analysts);
- Consultants.

ACER will draw up a list of candidates who meet the relevant criteria. Once the list is constituted, ACER will select up to 10 applicants to become members of the expert group. Such a selection will focus on forming a diverse group of experts. For the selection of potential experts with similar profiles, criteria such as the number of years of experience or participation in previous ACER REMIT experts groups will be considered. In addition, representatives from each of the ENTSOs may be selected as observers.

Annex 2

Rules of Procedure for the Expert Group on LNG Price Assessment/Benchmarks (hereafter “expert group”)

Article 1 - Purpose

The role of the expert group is to provide, on an ad hoc basis, expert views to ACER in the development of regulatory policies linked to wholesale energy market trading and related topics. The status of the input provided by the expert group is that of **advice** to ACER. **The determination and implementation of regulatory policies are those of ACER alone.**

Article 2 - Application procedure

An Open Letter for the establishment of an ad hoc expert group will be published on the ACER website.

Persons interested in becoming members will be invited to contact ACER within the deadline specified in the Open Letter. To be valid, the application of the expert must contain the following information:

- A list of relevant qualifications, including education and the number of years of experience in the area concerned, specifying in which countries and markets these have been gained;
- Current involvement in the electricity/gas industry and the company or organisation (including EU stakeholder organisation) of which he or she is a member (indicate current and past participation in or contribution to task forces or working groups of associations by indicating the subject dealt with);
- A list of relevant publications; and
- Contact details.

Applications will be assessed by a selection committee established by ACER on the basis of the information submitted by candidates.

Selected candidates will be contacted individually by ACER to confirm their appointment as members of the expert group. This communication will take place within three weeks after the closing of the period for applications, which is made public on the ACER website together with the Open Letter for the establishment of an expert group.

Article 3 – Membership

The expert group is composed of members appointed by ACER.

The expert group shall aim at having a broad range of relevant expertise and diversity among its members. Specific criteria (depending on the relevant area of expertise) may be defined for the appointment of the experts.

Each of the ENTSOs will be among those eligible to nominate a qualified expert.

Members are appointed *ad personam* and primarily for their competences and shall therefore not have alternates.

Members are required to abide by the terms of ACER's Rules of Procedure for ad hoc expert groups, and shall sign them for acceptance upon joining the expert group.

The number of experts in an expert group will not exceed 10, with the exception of the ENTSO representatives.

Article 4 – Chair

Meetings shall be chaired by an ACER representative.

Article 5 – Responsibilities of the Chair

The Chair is responsible for the efficient conduct of the business of the ad hoc expert group and shall in particular:

- Plan the work of the expert group by defining its tasks;
- Draw up the agenda for the meetings of the expert group and ensure minutes are taken;
- Chair the meetings of the expert group;
- Monitor the application of these Rules of Procedure;
- Present the work of the expert group to ACER on a regular basis; and
- Present the work of the expert group externally (particularly to the electricity and gas fora, when relevant).

Article 6 – Independence of the experts

Members shall make a declaration of commitment in their application to fulfil their duties and a declaration of interests which could be considered to be prejudicial to their independence.

Article 7 – Confidentiality of information

Experts shall not disclose to any persons or companies, including the ones to which they might be linked, any information acquired as a result of their work in the expert group.

The obligation to maintain confidentiality shall continue to apply even after participation of members in the expert group has ceased.

Article 8 – Transparency

The organisations to which the members of the expert group belong shall be registered in the EU Transparency Register.

The list of members of the expert group shall be made public.

The expert group shall operate in accordance with the need for a high level of transparency.

The following documents of the expert group shall be published on the ACER website, subject to the respect of confidentiality requirements:

- Open Letter for the establishment of an ad hoc expert group;
- Rules of Procedure for ad hoc expert groups;
- Minutes in a summary form.

Article 9 - Invitations to meetings

Any meeting of an expert group shall be convened at the invitation of the expert group Chair.

The date of the first meeting will be communicated in due course after the establishment of the ad hoc expert group.

Invitations shall be issued no later than 21 calendar days before the meeting.

Article 10 – Agenda

A draft agenda shall be drawn up by the Chair and circulated to the members of the ad hoc expert group no later than 10 calendar days before the meeting. The agenda shall be adopted at the beginning of each meeting.

Article 11 – Documentation

Documents that are necessary for the meetings shall be normally circulated to the members of the ad hoc expert group at least 10 calendar days before the meeting.

Article 12 – Minutes

It is the responsibility of the Chair to take the minutes of the meeting of the expert group. The minutes shall include a summary record of the proceedings and action points.

Views, whether expressed orally or in writing by members in the context of an expert group, shall not be ascribed to a particular individual.

Article 13 – Reimbursement

Experts should bear their own costs.

Article 14 – General provisions

Amendments to these Rules of Procedure shall be approved by ACER.

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Annex 3

DECLARATION OF COMMITMENT AND CONFIDENTIALITY

I, the undersigned in my function as [alternate] member of the ACER Expert Group on LNG Price Assessments/Benchmarks,

hereby undertake to make all reasonable efforts to fulfil my duties as [alternate] member of the of the ACER Expert Group on LNG Price Assessments/Benchmarks. In particular, I am aware of my responsibility to declare at each meeting of the Group any interest which might be considered prejudicial to the treatment of items on the agenda.

hereby declare that I am aware of my obligation to respect confidentiality, even after my duties have ceased, if the information is subject to a request for confidentiality or for reasons of professional secrecy. I shall also respect the confidential nature of the opinions expressed by other members during discussions in meetings or provided in written form.

I understand that this declaration will be entered in a register held by ACER, which is accessible to the public.

Date:.....

Place:.....

Signature:.....

Annex 4

DECLARATION REGARDING CONFIDENTIALITY AND PERSONAL DATA PROTECTION

I, the undersigned,....., formally
declare that:

- (1) I will treat confidentially any information and documents, in any form (i.e. paper or electronic), disclosed in writing or orally in relation to my participation and/or the performance of my tasks as a member of the ACER Expert Group on LNG Price Assessments/Benchmarks ('the Group'), and process any personal data in accordance with [Regulation \(EU\) 2018/1725](#) of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.
- (2) I am fully aware of my obligations, *inter alia* in terms of confidentiality and personal data protection arising from my participation to the Group.
- (3) I will undertake to observe strict confidentiality in relation to my work as follows:
 - I will not use or disclose, directly or indirectly, confidential information or documents for any purpose other than fulfilling the tasks relating to my participation to the Group, without prior written approval from ACER;
 - I will not discuss the work of the Group with others, including other experts or relevant service staff not directly involved;
 - I will not communicate outside the relevant ACER team any confidential information that is revealed to me or that I have discovered. I will not make any adverse use of information given to me.

I shall continue to be bound by these undertakings after the completion of my work unless this disclosure of confidential information is required by law.

If materials/ documents/ reports/ deliverables are made available to me either on paper or electronically, I agree to be held personally responsible for maintaining the confidentiality of the documents or electronic files sent and for returning, erasing or destroying all confidential documents or files on completing my work as instructed.

- (4) When my work takes place on the premises of ACER, I :
 - must not remove from the premises any copies or notes, either on paper or in electronic form;
 - will be held personally responsible for maintaining the confidentiality of any documents or electronic files sent, and for returning, erasing or destroying all confidential documents or files on completing my work as instructed.

[PUBLIC]

- (5) If I seek further information (e.g. from the internet, specialised databases, etc.) to complete my work, I :
- must respect the overall rules for confidentiality for obtaining such information;
 - must not contact third parties without prior written approval from ACER.

Date:.....

Place:.....

Signature:.....