STANDARD SUMMARY PROJECT FICHE

1. Basic Information

1.1. Project Number: SI0202.01
    Twinning Number: SI02/IB/EY/01/TL
1.2. Title: Liberalisation of the gas market – Access to the gas transmission network
1.3. Sector: Internal Market
1.4. Location: Slovenia

2. Objectives

2.1. Overall Objective(s):

The overall objective is to liberalise the gas market and to define the tariffs and other commercial conditions for access to the Slovenian gas transmission network on the liberalised gas market. The immediate objective is to develop correspondent methodologies and criteria of justification of commercial conditions and access refusal. This is in line with development of the EU gas market, for which the base is the gas directive 98/30/EC, the Energy Act and amendments to the gas directive, proposed by the European Commission.

The Energy Agency is the final beneficiary of this project due to its principal role in the energy market liberalisation process which encompasses market control and development of correspondent pricing methodologies.

The Energy Agency staff is already qualified for the basic functions and its responsibilities. Sufficient absorption capacity for the proposed project outputs and know how transfer at the Agency’s team is ensured.

2.2. Project purpose:

In accordance with the Energy Act as it stands now the Energy Agency is responsible only for dispute settlement arising from refusal of the access to the gas network or arising from tariffs used. For this, methodologies and criteria of justification of commercial conditions and access refusal need to be developed. In addition, proposed amendments to the gas directive 98/30/EC impose on the energy regulator more responsibility. The energy regulatory authority will have to approve tariffs for the access to the network, and other commercial conditions.

2.3. Accession Partnership and NPAA priority:

Opening of the gas market is a government priority task.
NPAA: 3.4.4. Energy: opening up of the gas market
With regard to the gas market liberalisation, the AP (2001) states: Continue to prepare for the internal energy market in the gas and electricity sectors, including the elimination of price distortions.
by strengthening the regulatory authority. The present project supports the gas market in its
development towards regulation, it supports the continuation of the process of elimination of
distortions and strengthens the Energy Agency’s role in the gas market.
3. **Description**

3.1. **Background and justification:**

Liberalisation of gas market is determined in the Energy Act Regarding access to the gas transmission network, nTPA (negotiated third party access) has been chosen. The Energy Agency, an independent regulatory authority, is involved only in solving the disputes. In March 2001 the European Commission published amendments to the gas directive. According to the amendments national regulators are responsible for access tariffs and other commercial conditions. Ministry of Environment and Spatial Planning (MoESP) and the Energy Agency have insufficient experiences and knowledge to set access tariffs and other commercial conditions in the area of gas transmission networks. In addition, appropriate criteria for justification of network access refusal, need to be established. The transfer of knowledge and experiences from the Member States and Madrid Forum is therefore required for this area.

3.2. **Linked activities:**

The project will focus mainly on establishing the energy regulator and on electricity and will complement the following Phare projects and Regulation of Energy Market:

- within FM’99 project: SL 9906.01/IB.01.01, Support for Electricity and Gas Sector Regulation
- within FM’00 project: SI 0002.01, Liberalisation and Regulation of Energy Market and
- proposed project within Phare NP 2002: SI 0202.02, Regulatory framework in completion of internal energy markets

3.3. **Results:**

The result of the project will be, firstly, establishment of a methodology for designing access tariffs and all other commercial conditions for access to the gas transmission network, and secondly, establishment of a methodology for definition of the criteria to determine whether the refusal of access is justified or not.

For clarification an additional, non standard Annex 7 is enclosed to this fiche.

3.4. **Activities:**

- Developing a methodology for setting the access tariffs
- Developing a methodology to define other commercial conditions
- Developing a methodology for explanation of reasons for refusal to access to the network
- Transfer of knowledge through workshops. The Energy Agency will ensure at least 10 persons to participate in the workshops, 5 of whom will be responsible for the gas sector.

3.5 **Lessons learned**

Not applicable
4. Institutional Framework

The Energy Act defines Energy Agency of the Republic of Slovenia as independent regulatory authority for the supervision of the operation of the market in electricity and natural gas. The Energy Act was adopted by the Parliament on 16 September 1999. After transitory period of 18 months for implementation of the Energy Act and adoption of the necessary by-laws, opening of the electricity market was realised at 15 April 2001. In this period, Energy Agency has been established and started with operational work in February 2001.

The Energy Agency of the Republic of Slovenia will be the project contracting authority and at the same time final beneficiary, responsible for the project management, in particular project preparation, guidance and monitoring during implementation and assessment after termination. The Energy Agency employs currently 15 highly qualified persons, and plans to expand to at least 20 before the end of 2002 which enables sufficient absorption capacity for this project.

The overall co-ordination is under Ministry of the Economy as implementing authority. The role of MoESP in this project is co-ordination of the project findings and results with the energy policy goals, through participation in the Steering Committee.

As the experience shows both, in the EU member states as well as the candidate countries, legal and regulatory frameworks for energy sector are being modified. Slovenian authorities, both responsible ministries and the regulatory authority, anticipate the need to follow this process and prepare for it.

5. Detailed Budget

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<tr>
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<td>IFI</td>
<td>-</td>
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<tr>
<td>TOTAL</td>
<td>0.20</td>
</tr>
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</table>

National funds will be used to finance the counterpart team, and to cover some material costs during project missions. A 0.5 annual full time equivalent (FTE) employee at the Agency will be available for the project, the logistics, needed for the counterpart team, such as air fares, lodging, infrastructure and other material costs for expert missions, such as telecommunication services.
6. Implementation Arrangements

6.1. Implementing Agency

CFCU, Ministry of Finance
Beethovenova 11
1502 Ljubljana, Slovenia

Responsible person:
Mr. Peter Škofic, PAO
Tel: +386 1 478 6203
Fax: +386 1 478 6204
e-mail: peter.skofic@mf-rs.si

6.2. Implementing Authority

Ministry of the Economy
Kotnikova 5
1000 Ljubljana, Slovenia

Responsible person:
Dr. Boštjan Antoncic, State Secretary
Tel: +386 1 478 3564
Fax: +386 1 478 3622
e-mail: bostjan.antoncic@gov.si
Contact person:
Mrs. Tanja Kurnik, State Undersecretary
Tel: +386 1 478 3524
Fax: +386 1 478 3588
e-mail: tanja.kurnik@gov.si

6.3. Contracting Authority:

Energy Agency of the Republic of Slovenia
Svetozarevska 6, p.o. box 1579
2000 Maribor, Slovenia

Responsible person:
Mr. Jože Koprivnikar, Director
Tel: +386 2 22 94 261
Fax: +386 2 22 94 270

Contact person:
Mr. Marko Sencar, Project Leader
Tel: +386 2 22 94 263;
Fax: +386 2 22 94 270
6.4. Final Beneficiary:
   Energy Agency of the Republic of Slovenia
   Svetozarevska 6, P.O. BOX 1579
   2000 Maribor, Slovenia

   Responsible person:
   Mr. Jože Koprivnikar, Director
   Tel: + 386 2 22 94 261
   Fax: + 386 2 22 94 270

   Contact person:
   Mr. Marko Sencar, Project leader
   Tel: + 386 2 22 94 263
   Fax: + 386 2 22 94 270

6.5. Non-standard aspects
Not relevant

6.6. Contracts
There will be one contract (twinning light covenant) in total amount of 0,15 MEUR.

7. Implementation Schedule

7.1. Start of tendering / call for proposals: May 2002

7.2. Start of project activities: September 2002

7.3. Project Completion: March 2003

8. Equal Opportunities:
   Equal opportunities policy will be fully respected in the selection of experts.

9. Environment
   Not relevant

10. Rates of return:
    Not relevant

11. Investment criteria

11.1. Catalytic effect: Not relevant
11.2. Cofinancing: National funds will be used to finance the counterpart team, and to cover some material costs during project missions. A 0.5 annual full time equivalent (FTE) employee at the Agency will be available for the project, the logistics, needed for the counterpart team, such as air fares, infrastructure and other material costs for expert missions, such as telecommunication services and / or rooms.

11.3. Additionality : Not relevant

11.4. Project readiness and size: Not relevant

11.5. Sustainability: Not relevant

11.6. Compliance with state aids provision: Not relevant

11.7. Contribution to the National Development Plan: Not relevant

12. Conditionality and sequencing

None.
Annexes to project Fiche

1. Logical framework matrix in standard format (compulsory)
2. Detailed implementation chart (compulsory)
3. Contracting and disbursement schedule by quarter for full duration of programme (including disbursement period) (compulsory)
4. ToR
5. List of relevant Laws and Regulations (optional)
6. Reference to relevant Government Strategic plans and studies (may include Institution Development Plan, Business plans, Sector studies etc.) (optional)
**ANNEX 1 to Project Fiche**

<table>
<thead>
<tr>
<th>LOGFRAME PLANNING MATRIX FOR</th>
<th>Programme name and number</th>
<th>Date of drafting:</th>
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<tbody>
<tr>
<td>Project: Liberalisation of the gas market – Access to the gas transmission network</td>
<td>SI0202.01</td>
<td>October 2001</td>
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<table>
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<tr>
<th>Contracting period expires:</th>
<th>Phare contribution: 0.15 MEUR</th>
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<tr>
<td>30 June 2004</td>
<td>30 June 2005</td>
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<table>
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<tr>
<th>Overall Objective</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Liberalisation of the gas market</td>
<td>• compliance with the EU energy acquis and the priorities in the AP</td>
<td>• elaborate regulatory rules for gas market functioning</td>
</tr>
<tr>
<td>• Strengthening of the Energy Agency’s role in the liberalised gas market</td>
<td>• proposed methodologies and criteria to be acceptable for the Slovenian technical, legal and economic conditions</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Project purpose</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>support to the Energy Agency in regulating the gas market, both in resolving disputes and in the ability to regulate use of the network charges (access tariffs)</td>
<td>• implementation of the project results within 6 – 8 months after termination of the project activities (i.e. September 2003)</td>
<td>• interest of the companies to undertake distribution and / or supply of natural gas</td>
<td>• new entrants expected in the gas market</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Results</th>
<th>Objectively Verifiable Indicators</th>
<th>Sources of Verification</th>
<th>Assumptions</th>
</tr>
</thead>
</table>
• methodology for setting access tariffs
• methodology for defining other commercial conditions
• methodology for justification of refusal of access to the network

• applicability for the beneficiary in its daily work
• the method and criteria must be clearly defined and described
• methodology and criteria applied to the test cases
• understanding of the proposed method and criteria by users
• possible disputes arising from access refusal and network pricing are expected
• test cases are sufficient for verification of delivered methodologies and criteria

<table>
<thead>
<tr>
<th>Activities</th>
<th>Means</th>
<th>Assumptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>• developing a methodology for setting the access tariffs</td>
<td>• compliance with project objectives</td>
<td>• possible disputes arising from access refusal and network pricing are expected</td>
</tr>
<tr>
<td>• developing a methodology to define other commercial conditions</td>
<td>• applicability for the beneficiary</td>
<td>• test cases are sufficient for verification of delivered methodologies and criteria</td>
</tr>
<tr>
<td>• developing a methodology for explanation of reasons for refusal of access to the network</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• transfer of knowledge through workshops</td>
<td></td>
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<table>
<thead>
<tr>
<th>Preconditions</th>
</tr>
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<td>• none</td>
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# Annex 2

## Implementation time chart

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<tr>
<th></th>
<th>2001</th>
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<th>2003</th>
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<tr>
<td>Dec</td>
<td>O</td>
<td>D</td>
<td>J</td>
<td>F</td>
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</tbody>
</table>

**Performance**

- January: X
- February: X
- March: X
- April: X
- May: X
- June: X
- July: X
- August: X

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*Note: The chart shows the months of the years 2001 to 2004.*
Annex 3: Contracting Schedule (sheet 1)

NB See also sheet 2 for disbursement schedule

Name of programme: Project fiche no. SI0202.01
Project: Liberalisation of the gas market – Access to the gas transmission network

CUMULATIVE CONTRACTING SCHEDULE

<table>
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<th>Date</th>
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<th>06/30/01</th>
<th>12/31/01</th>
<th>03/31/02</th>
<th>06/30/02</th>
<th>09/30/02</th>
<th>12/31/02</th>
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<td>0.15</td>
<td>0.15</td>
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</table>

NB: 1. all contracting should normally be completed within 6-12 months and must be completed within 24 months of signature of FM
Annex 3: Disbursement Schedule (sheet 2)

Name of programme: Project: Liberalisation of the gas market – Access to the gas transmission network

**CUMULATIVE DISBURSEMENT SCHEDULE**

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<th>06/30/01</th>
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NB all disbursements must be completed within 36 months of signature of the FM
Annex 3: Contracting and Disbursement Schedule (sheet 3)

**Name of programme**  
Project: Liberalisation of the gas market – Access to the gas transmission network

**CUMULATIVE CONTRACTING and DISBURSEMENT SCHEDULE**  
(EUR million)

<table>
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<tr>
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</tbody>
</table>

NB:  
1. all contracting should normally be completed within 6-12 months and must be completed within 24 months of signature of FM  
2. all disbursements must be completed within 36 months of signature of the FM
Annex 4: ToR

Annex 5: List of relevant Laws and Regulations:
Energy Act
Public trading services act
Government decrees on performing public service obligations in electricity and natural gas
draft Network code for gas transmission

Annex 6: Relevant Government Strategic Plans and Studies

(Draft) National Energy Programme
Annex 7

Project Number: SI0202.01
Project title: Liberalisation of the gas market – Access to the gas transmission network

<table>
<thead>
<tr>
<th>Content and activities</th>
<th>Results and Deliveries</th>
<th>Experience/expert profile</th>
<th>Cost (EUR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>a. Developing a methodology for setting the access tariffs, i.e. use-of-network charges</td>
<td>a. a comprehensive study of available methodologies for defining use-of-network charges - estimation of costs for transmission activities and infrastructure - the methodology: mathematical model, together with the data it is based upon; - computer based tool to aid the model which must be executable in a standard PC environment - evaluation of the proposed methodology with respect to the influence on both, end-user prices (their levels and stability), and technical, economic and financial performance of the transmission companies, including quality of services (and supplies)</td>
<td>- Experience in particularly economic field required - technical background and experience is also required in natural gas (quality of supplies, operation, equipment)</td>
<td>150,000</td>
</tr>
<tr>
<td>b. Developing a methodology to define other commercial conditions for access to the gas transmission networks</td>
<td>b. an analysis of valid (published) commercial conditions in Slovenia and at least 4 comparable countries (comparable in terms of consume structure, and transmission system technical characteristics) - identification of possible elements or conditions which indicate an abuse of the dominant position, discrimination or other unfair practices of the transmission company - the methodology to define transparent and non-discriminatory conditions is to be developed, described in clear text and, where possible, supported by formulae - evaluation of the proposed methodology with respect to...</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### Developing a methodology for explanation of reasons for refusal of access to the network

- Developing a methodology for explanation of reasons for refusal of access to the network

- **c.** Developing a methodology for explanation of reasons for refusal of access to the network

  - the influence on both, end-user prices (their levels and stability), and technical, economic and financial performance of the transmission companies

  - an analysis of existing cases of access refusal in Slovenia is to be undertaken and the results compared with the international practices.

  - identification of possible elements or conditions which indicate an abuse of the dominant position, discrimination or other unfair practices of the transmission company

  - the methodology for judgement on justification of refusal of access to the network is to be developed, described in clear text and, where possible, supported by formulae

  - evaluation of the proposed methodology with respect to the influence on both, end-user prices (their levels and stability), and technical, economic and financial performance of the transmission companies

Apart from all the above documents (which are requested in paper and electronic versions), the following is required:

- transfer of results, knowledge and experience through a correspondent number (1 or more) of workshops (number to be agreed later)

Recommendations are to be formulated for:

- government actions
- further regulatory measures
- regulatory actions
- regulatory strategies

At least 120 pages of documentation is expected
ANNEX 4

TERMS OF REFERENCE
TWINNING LIGHT

Twinning Number: SI02/IB/EY/01/TL
Liberalisation of the gas market – Access to the gas transmission network

1. BACKGROUND INFORMATION

Liberalisation of the gas market is detailed in the Energy Act, and shall be effective as of 31 December 2002. Negotiated Third Party Access (nTPA) has been selected to control access to the gas transmission network and already during the preparatory phase some deficiencies have been noted. The Energy Agency of the Republic of Slovenia, the independent regulatory authority, is currently involved only in dispute resolution. Both, the Ministry responsible for energy (Ministry of Environment and Spatial Planning) and the Energy Agency, have begun to prepare an alternative access mode in order to prevent any escalation of disputes. This action is generated as a result of the experiences gained, and corresponds with the expectations in the EU, where the European Commission published amendments to the gas directive in March 2001. The amendments to the gas directive require national regulators to be responsible for access tariffs and other commercial conditions. The Ministry, responsible for energy, and the Energy Agency have insufficient experience and knowledge to set access tariffs, and other commercial conditions, for gas transmission networks. Neither organisation has developed appropriate criteria for the justification of network access refusal. This transfer of knowledge and experiences from Member States and the Madrid Forum is necessary to improve the current situation.

2. DESCRIPTION OF THE ASSIGNMENT

2.1 Beneficiary

The Energy Agency will ensure at least 10 people will participate in the workshops, five of whom will be directly involved in the project for the gas sector.

The Energy Agency will provide office space, office support, workshop facilities and cover some material costs during project missions. The Agency will also cover costs of training, transportation costs and salaries for the counterpart staff in accordance with the conditions under the twinning light rules.

The contact persons are:

Marko Sencar, Deputy Director
tel: + 386 2 22 94 261; fax: + 386 2 22 94 270; e-mail: marko.sencar@agen-rs.si
2.2. Global and specific objectives

The overall objective is to liberalise the gas market and to define the tariffs and other commercial conditions for access to the Slovenian gas transmission network on the liberalised gas market. The immediate objective is to develop correspondent methodologies and criteria of justification of commercial conditions and access refusal. This is in line with development of the EU gas market, for which the base is the gas directive 98/30/EC, the Energy Act and amendments to the gas directive, proposed by the European Commission.

2.3 Requested services

The following activities are foreseen in the scope of the project, on which services are required from the member state:
• Developing a methodology for setting the access tariffs,
• Developing a methodology to define other commercial conditions,
• Developing a methodology for explanation of reasons for refusal of access to the network.

2.4 Expected results

The project will result in a proposed methodology for designing access tariffs and all other commercial conditions for access to the gas transmission network. The project will also detail a methodology to define criteria to judge whether the refusal of access is justified.

The following results are expected:
   - A methodology for setting access tariffs, i.e. use-of-network charges for the gas transmission networks;
   - A methodology to define other commercial conditions for access to the gas transmission networks;
   - Criteria for judgement on the justification of refusal of access to the gas transmission networks;
   - Transfer of knowledge through workshops.

Following the successful achievement of the proposed outputs, the Energy Agency will be well qualified to resolve disputes concerning refusal of access to the gas network, or relating to the tariffs used. The Energy Agency will therefore prevent escalations of disputes, and will control the functioning of the gas market.
2.5 Budget

<table>
<thead>
<tr>
<th>Phare Support</th>
<th>Investmen t Support</th>
<th>Institutional Building</th>
<th>Total Phare (=I+IB)</th>
<th>National Cofinancing</th>
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<td>-</td>
<td>0.15</td>
<td>0.05</td>
<td>-</td>
<td>0.20</td>
</tr>
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</table>

Total: 0.15 0.15 0.05 0.20

3. EXPERT PROFILES

The working language is English, so English speaking experts are required. Preferable 3 or more ST international experts with the following area of expertise will be required:

- Experience in work with, or for regulatory authorities, in the energy field in a country, comparable to Slovenia. (Comparable in structure of the energy sector and basic principles of the functioning of the energy markets);
- Experience in working for an exclusively gas sector regulatory authority;
- Experience in the economic and technical functioning of a gas regulatory authority and in the functioning of the gas networks is required. Knowledge of relevant application software is also needed;
- In short term missions, some specialists with particular experience in fields such as access, pricing or functioning of the gas networks may be required.

4. LOCATION AND DURATION

The twinning light project is due to commence in November 2002 and due to be completed in 6 months. Assignment per expert:

<table>
<thead>
<tr>
<th>Activities:</th>
<th>Experts:</th>
<th>Approx. No. of Man-Days</th>
<th>EUR:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Development of the methodology for setting access tariffs</td>
<td>(LT and ST experts respectively)</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>2. Criteria for judgement on justification of refusal to access to the network</td>
<td>(LT and ST experts respectively)</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td>3. Developing of the methodology to define other commercial conditions for access to the gas transmission</td>
<td>(LT and ST experts respectively)</td>
<td>16</td>
<td></td>
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<tr>
<td>4.</td>
<td>Study visit (3-5 beneficiary stuff members)</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>3 workshops</td>
<td>(ST experts)</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>3 workshops (transportation and material costs)</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total:</td>
<td>110</td>
<td>150,000</td>
</tr>
</tbody>
</table>

Location of the assignment: Energy Agency of the Republic of Slovenia, Svetozarevska 6, p.o. box 1579, Maribor, Slovenia

5. DESCRIPTION OF THE ASSIGNMENT

Start-up report to be delivered 2 months after the signature of the contract and a final report to be delivered at the end of the project. Both reports, endorsed and countersigned by the beneficiary, should be delivered by the member state project leader to the EC Delegation at the attention of:

Ms. Bettina Kotzinger, Head of Phare/Isa section
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1000 Ljubljana, Slovenia
Tel.: +386 1 425 1303
Fax: +386 1 425 2085