

MANTENDO A QUALIDADE REGULATÓRIA EM UM MERCADO CRESCENTE

Sessão 6

OUTLINES

- 1- Provision in the Federal Constitution of state jurisdiction for distribution and trading. Production, flow, processing and transport: Federal level competence.**
- 2- Brazilian's states decision to create their local distributors: privatizing or remaining wholly or partially in the distribution company.**
- 3- States have to quit the control of the distribution companies in order to let investors build the necessary infrastructure.**
- 4- Need of independent and autonomous state regulatory agencies.**
- 5- The role of regulatory agencies in the "Novo Mercado de Gás": new contracts, tariff review, targets, inspection indicators, among others.**
- 6- Regulatory harmonization between states.**
- 7- States adherence to the "Novo Mercado de Gás" guidelines: quantitative and qualitative research, with results by sample.**
- 8- Transparency of natural gas price and contracts of distribution companies.**
- 9- Approval of natural gas traders in state level.**
- 10- The gas system operator - contractual and operational security.**

OUTLINES

1

Provision in the Federal Constitution of state jurisdiction for distribution and trading. Production, flow, processing and transport: Federal level competence.

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Brazilian's states decision to create their local distributors: privatizing or remaining wholly or partially in the distribution company.

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States have to quit the control of the distribution companies in order to let investors build the necessary infrastructure.

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Need of independent and autonomous state regulatory agencies.

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States adherence to the "Novo Mercado de Gás" guidelines: quantitative and qualitative research, with results by sample.

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The role of regulatory agencies in the "Novo Mercado de Gás": new contracts, tariff review, targets, inspection indicators, among others.

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Transparency of natural gas price and contracts of distribution companies.

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Approval of natural gas traders in state level.

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The gas system operator - contractual and operational security.

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Regulatory harmonization between states.

1 Provision in the Federal Constitution of state jurisdiction for distribution and trading. Production, flow, processing and transport: Federal level competence.	2 Brazilian's states decision to create their local distributors: privatizing or remaining wholly or partially in the distribution company.	3 States have to quit the control of the distribution companies in order to let investors build the necessary infrastructure.	4 Need of independent and autonomous state regulatory agencies.	5 States adherence to the "Novo Mercado de Gás" guidelines: quantitative and qualitative research, with results by sample.
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1

Provision in the Federal Constitution of state jurisdiction for distribution and trading. Production, flow, processing and transport: Federal level competence.

FIRST OF ALL

COMERCIALIZAÇÃO PELA UNIÃO?

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26 Estados e o DF



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2

Brazilian's states decision to create their local distributors: privatizing or remaining wholly or partially in the distribution company.

AGRESPI - Agência Reguladora de Serviços Públicos do Estado do Piauí

ARSESP - Agência Reguladora de Saneamento e Energia do Estado de São Paulo

AGERO - Agência

24 Agências Reguladoras Estaduais

da Paraíba

ARESC - Agência

ção Controle e Fiscalização de Serviços Públicos

AGRESE - Agência

Energia e Saneamento Básico do Distrito Federal

AGEPAR - Agência

ontrolre e Fiscalização de Serviços Públicos

AGERGS – Agência

io de Serviços Públicos (Mato Grosso do Sul)

AGENERSA - Agência

ole de Serviços Públicos do Estado do Pará

ARSP - Agência

los Serviços Públicos Delegados (Mato Grosso)

AGERBA - Agência

os Públicos Concedidos do Estado do Amazonas

Comunica

ARSAL - Agência Reguladora de Serviços Públicos do Estado de Alagoas

ARCE - Agência Reguladora de Serviços Públicos do Estado do Ceará

ARPE - Agência de Regulação dos Serviços Públicos Delegados do Estado de Pernambuco

MOB – Agência Estadual de Mobilidade Urbana e Serviços Públicos - Maranhão

ARSEP - Agência Reguladora de Serviços Públicos (Rio Grande do Norte)

AGEAC – Agência Reguladora dos Serviços Públicos do Estado do Acre

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RIO DE JANEIRO E SÃO PAULO

SOFRERAM PROCESSO DE

PRIVATIZAÇÃO HÁ ~20 ANOS

distribuidoras de EE

NATURGY

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Exemplo São Paulo

**4ª RTO – Revisão Tarifária Ordinária
COMGÁS - 2019**

**4.6 BILHÕES R\$ de investimentos nos
próximos 5 anos
debêntures MME**

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Exemplo São Paulo

Áreas de Concessão do Gás – participação PB – GASPETRO

Contratos de Concessão de 1999/2000

2 milhões usuários

18 mil km rede

>15 MM m³/ dia

8,1 bilhões R\$ faturamento

27.092 usuários
13.995 medidores
1.049 km de rede de distribuição
20 municípios atendidos (total de 93)
0,70 MMm³/dia
Faturamento - ordem de R\$ 700 MM/Ano



1.880.558 usuários
1.266.649 medidores
15.261 Km de redes de distribuição
88 municípios atendidos (total de 177)
13,43 MMm³/dia
Faturamento - ordem de R\$ 7000 MM/Ano

81.087 usuários
47.572 medidores
1.789 km de redes de distribuição
18 municípios atendidos (total de 93)
1,15 MMm³/dia
Faturamento - ordem de R\$ 700 MM/Ano

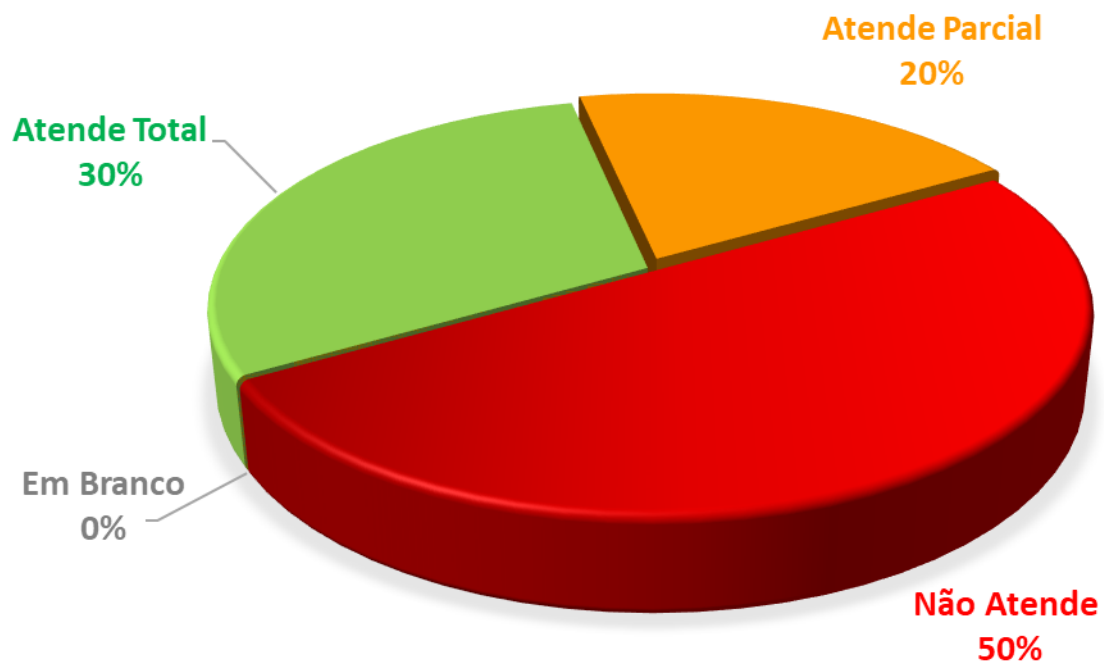


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PRIVATIVIZAÇÃO DA CONCESSIONÁRIA ESTADUAL DE SERVIÇO LOCAL DE GÁS CANALIZADO, AVALIANDO-SE A OPORTUNIDADE E A CONVENIÊNCIA DE DEFINIÇÃO DE NOVO CONTRATO DE CONCESSÃO



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Need of independent and autonomous state regulatory agencies.

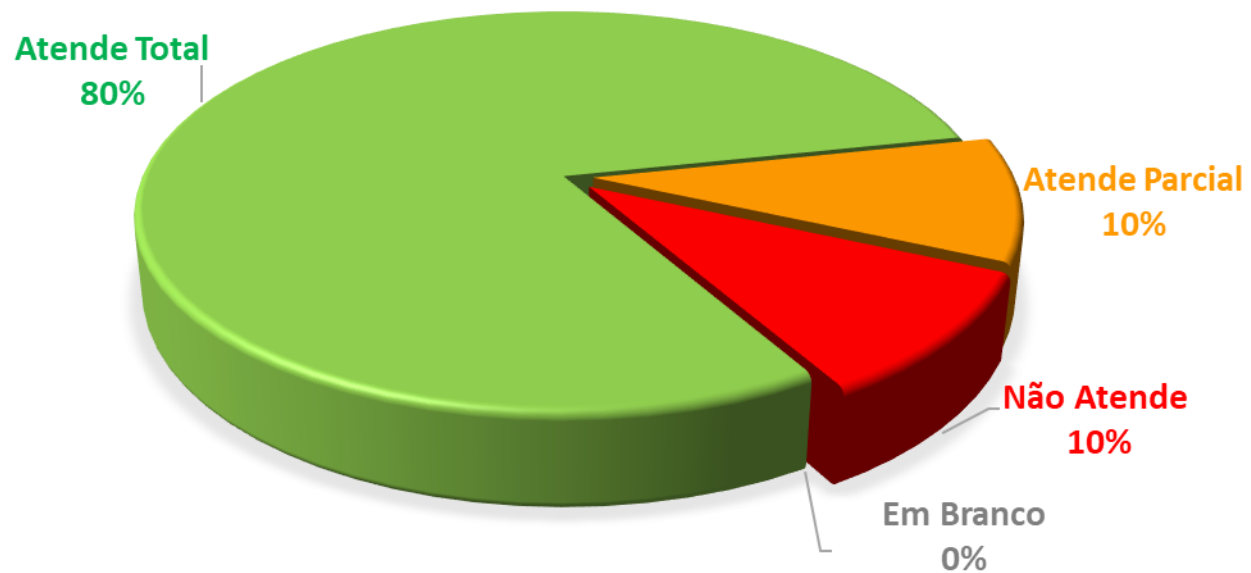
- ✓ Instituição de Agências Reguladoras Estaduais, onde não existam.
- ✓ Fortalecimento das Agências Reguladoras Estaduais existentes.
- ✓ Necessário regras que garantam às Agências Reguladoras Estaduais:
 - ❖ autonomia
 - ❖ independência decisória
 - ❖ autonomia administrativa e financeira
 - ❖ corpo técnico concursado
 - ❖ Diretoria Colegiada:
 - mandato fixo
 - estabilidade – garantia de sua autonomia perante os órgãos de governo
 - capacidade e experiência técnica
- ✓ Os pontos relevantes para uma regulação estadual adequada devem ser submetidos à consulta pública, acompanhada de nota técnica.

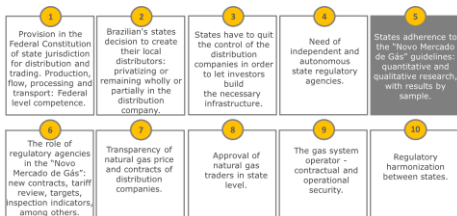
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Need of independent and autonomous state regulatory agencies.

CRIAÇÃO OU MANUTENÇÃO DE AGÊNCIA REGULADORA AUTÔNOMA, COM REQUISITOS MÍNIMOS DE GOVERNANÇA, TRANSPARÊNCIA E RITO DECISÓRIO





Secretários de fazenda de estados aprovam ajuste que viabiliza compra de gás boliviano

5
States adherence to the "Novo Mercado de Gás" guidelines: quantitative and qualitative research, with results by sample.

Adesão a ajustes

Privatização da avaliando-se a opc

Criação ou i mi

Princípi

Estrutura tarif

Efetiva separ:

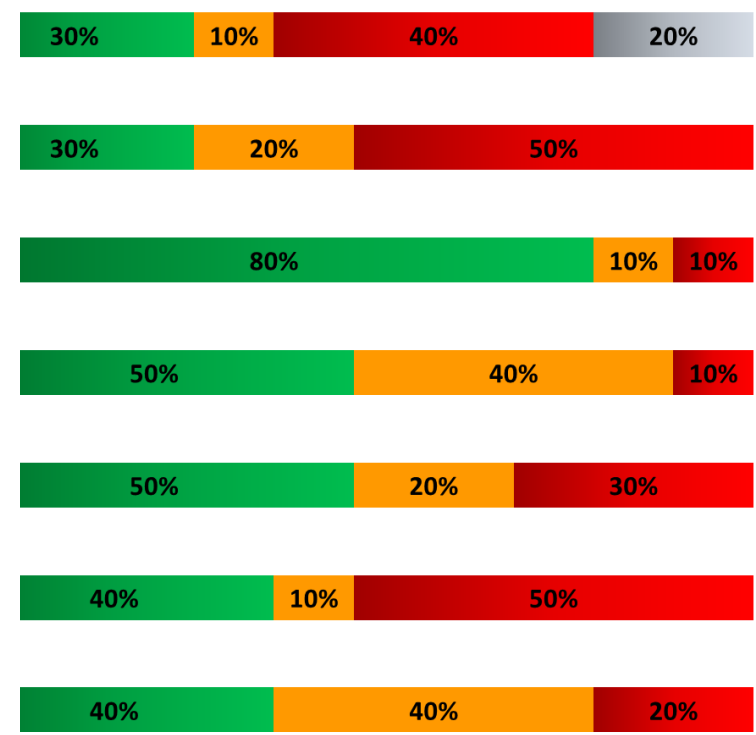
Transparênci: econômicos a

Se o ajuste não fosse aprovado, a chamada pública para compra do gás boliviano, marcada para 20 de dezembro, estaria comprometida

Anne Warth - O Estado de S.Paulo
11 de outubro de 2019 | 23h35

BRASÍLIA - O Conselho Nacional de Política Fazendária (Confaz) aprovou um ajuste tributário necessário para viabilizar a compra de gás da Bolívia por comercializadores. A proposta foi aprovada na quinta-feira, 10, em

OS ESTADOS



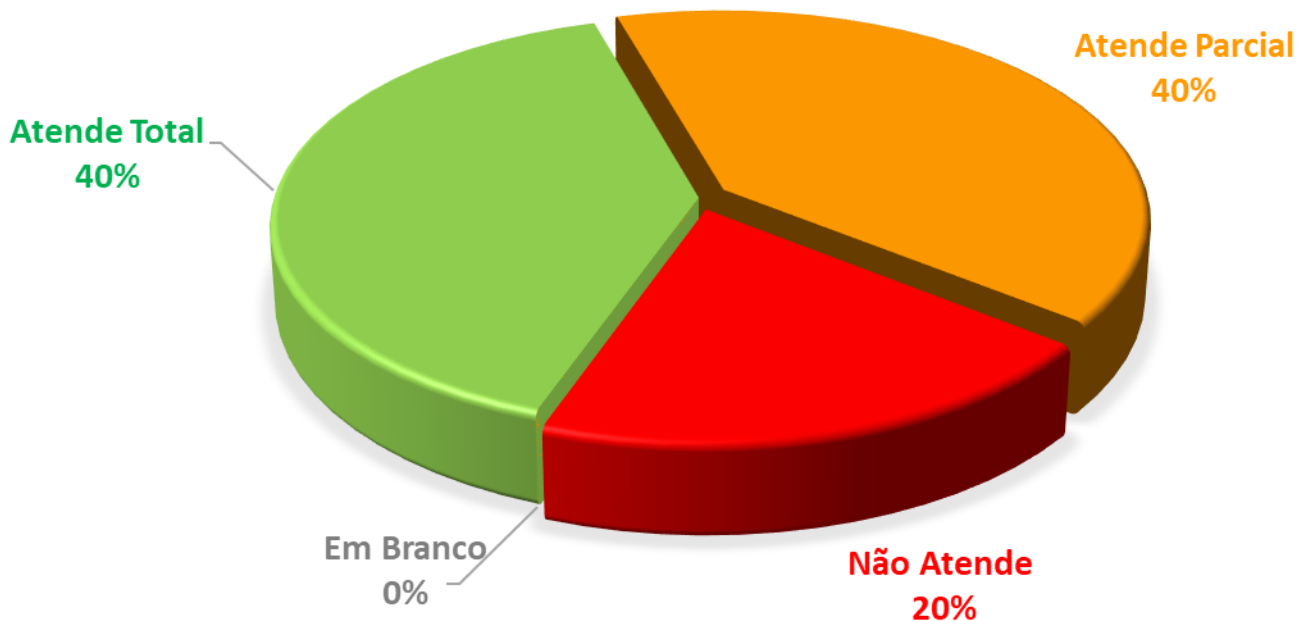
Não Atende ■ Em Branco

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The role of regulatory agencies in the "Novo Mercado de Gás": new contracts, tariff review, targets, inspection indicators, among others.

TRANSPARÊNCIA NA METODOLOGIA DE CÁLCULO TARIFÁRIO, QUE DEVE DAR INCENTIVOS ECONÔMICOS ADEQUADOS AOS INVESTIMENTOS E À OPERAÇÃO EFICIENTE DAS REDES

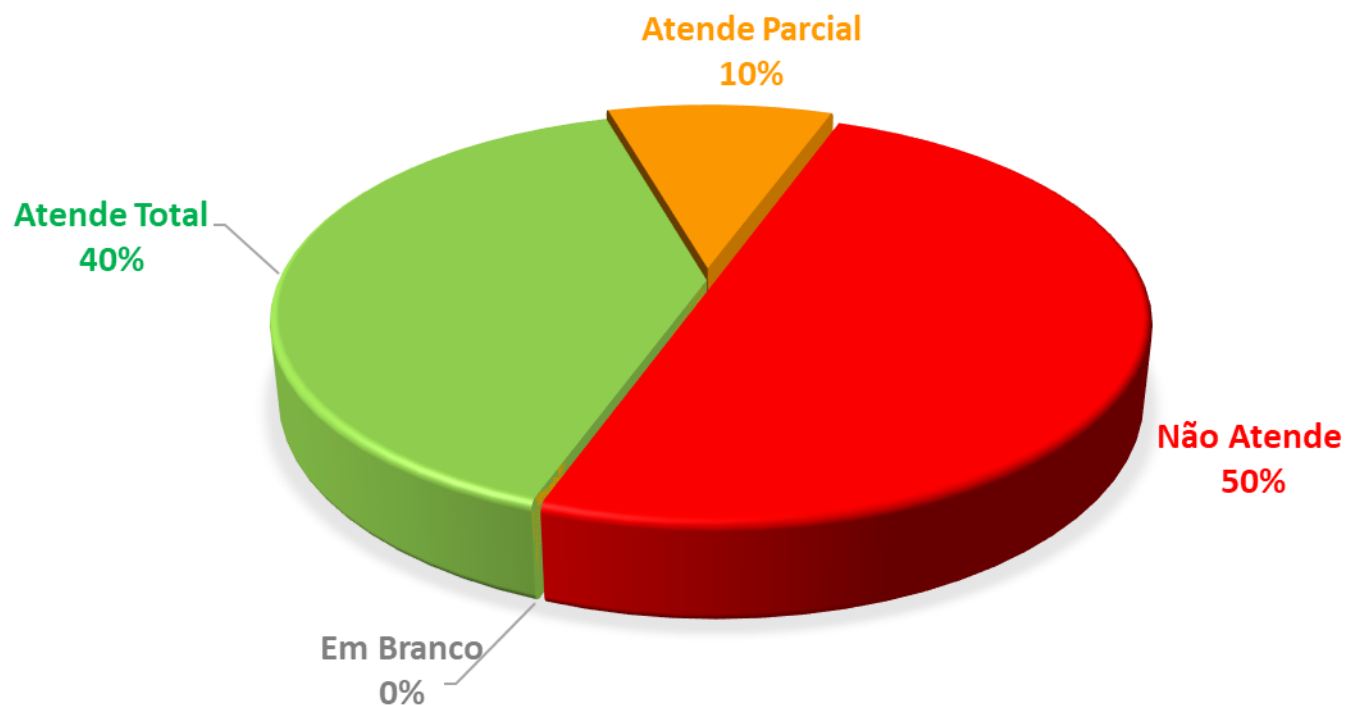


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EFETIVA SEPARAÇÃO ENTRE AS ATIVIDADES DE COMERCIALIZAÇÃO E DE PRESTAÇÃO DE SERVIÇOS DE REDE

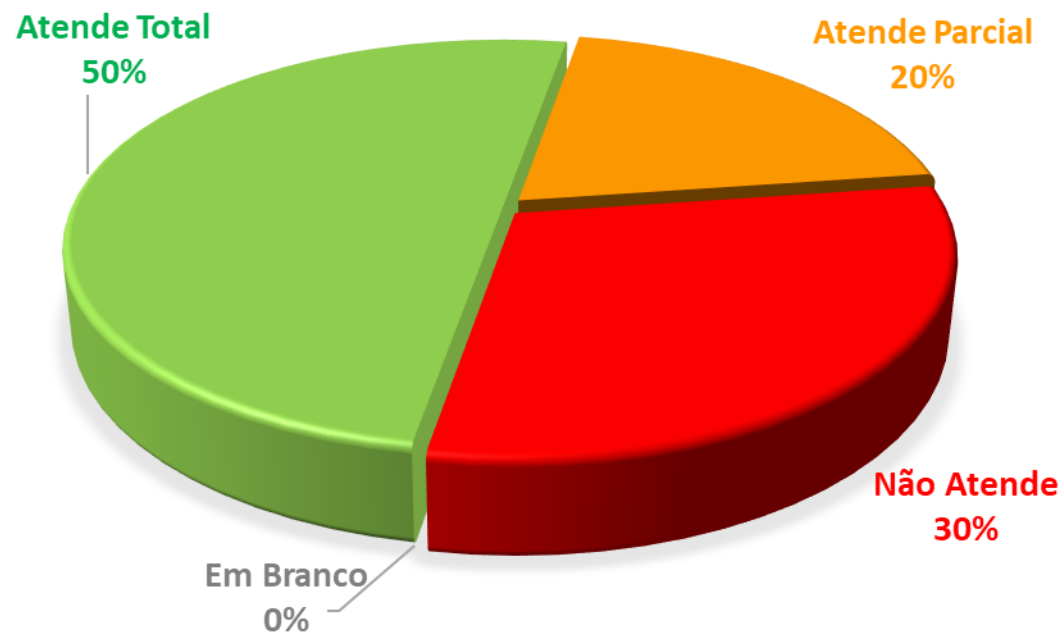


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ESTRUTURA TARIFÁRIA PROPORCIONAL À UTILIZAÇÃO DOS SERVIÇOS DE DISTRIBUIÇÃO, POR SEGMENTO DE USUÁRIOS



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PRINCÍPIOS REGULATÓRIOS PARA OS CONSUMIDORES LIVRES, AUTOPRODUTORES E AUTOIMPORTADORES



OS PRÓXIMOS SLIDES SÃO ALGUMAS PREOCUPAÇÕES

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Transparency of natural gas price and contracts of distribution companies.

DIÁRIO OFICIAL DA UNIÃO

Publicado em: 05/09/2019 | Edição: 172 | Seção: 1 | Página: 62

Órgão: Ministério de Minas e Energia/Agência Nacional do Petróleo, Gás Natural e Biocombustíveis

RESOLUÇÃO Nº 800, DE 4 DE SETEMBRO DE 2019

Altera o prazo de vacatio legis da Resolução ANP nº 794, de 8 de julho de 2019, que dispõe sobre a publicidade de informações relativas à comercialização de gás natural e medidas de aumento da concorrência na indústria do gás natural.

A DIRETORIA DA AGÊNCIA NACIONAL DO PETRÓLEO, GÁS NATURAL E BIOCOMBUSTÍVEIS - ANP, no exercício das atribuições conferidas pelo art. 6º do Regimento Interno e pelo art. 7º do Anexo I do Decreto nº 2.455, de 14 de janeiro de 1998, tendo em vista o disposto na Lei nº 9.478, de 6 de agosto de 1997, considerando o que consta do Processo nº 48610.009331/2018-91 e as deliberações tomadas na 990ª Reunião de Diretoria, realizada em 29 de agosto de 2019, resolve:

Art. 1º A Resolução ANP nº 794, de 8 de julho de 2019 passa a vigorar com a seguinte alteração:

"Art. 7º Esta Resolução entra em vigor 120 (cento e vinte) dias após a data de sua publicação".

(NR)

Art. 2º Esta Resolução entra em vigor na data de sua publicação.

FELIPE KURY

Diretor-Geral Substituto

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ESTADOS AGUARDAM A PUBLICAÇÃO DA ANP PARA PUBLICAREM EM SEUS SITES

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QUEM SERÁ O ÁRBITRO?

Coordenação dos contratos de compra e venda de gás

Evitando-se exposições que causem prejuízos ao sistema e aos players, como inadimplência, falta de contratos e consequente falha na entrega física do gás.

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COMERCIALIZAÇÃO PELA UNIÃO



8

Approval of natural gas traders in state level.

O porquê da necessidade de controle da comercialização pela Agência Estadual:

- ✓ Transição de mercado => usuário parcialmente livre
- ✓ Inadimplência do Usuário
- ✓ Inadimplência da Comercializadora
- ✓ Novos clientes, viabilidade da conexão
- ✓ Instalações internas

Quem lida com as falhas de mercado?

1 Provision in the Federal Constitution for distribution and trading. Production, flow, processing and transport: Federal level competence.	2 Brazilian's states decision to create their local distributors: privatizing or remaining wholly or partially in the distribution company.	3 States have to quit the control of the distribution companies in order to let investors build the necessary infrastructure.	4 Need of independent and autonomous state regulatory agencies.	5 States adherence to the "Novo Mercado de Gás" guidelines: quantitative and qualitative research, with results by sample.
6 The role of regulatory agencies in the "Novo Mercado de Gás": new contracts, tariff review, targets, inspection indicators, among others.	7 Transparency of natural gas price and contracts of distribution companies.	8 Approval of natural gas traders in state level.	9 The gas system operator – contractual and operational security.	10 Regulatory harmonization between states.

9

The gas system operator - contractual and operational security.

- ✓ Existência de controle da operação com PROCEDIMENTOS DE REDE
- ✓ Controles e garantias bem definidas e um operador de transporte para coordenação da operação dos transportadores.
- ✓ Segurança do compromisso do abastecimento e continuidade de fornecimento.

Diferente do setor elétrico

E se não for entregue a quantidade suficiente? E se puxarem mais gás sem contrato?

O gás natural demanda nominações diárias, sob o risco de desequilíbrio entre a entrega e a retirada, podendo resultar em colapso do sistema.

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CÂMARA TÉCNICA DE PETROLEO E GÁS



Foto tirada na reunião das Câmaras Técnicas realizadas em Aracaju/SE, nos dias 28 e 29 de março de 2019.

PRÓXIMA REUNIÃO

Data: 7 e 8 de novembro de 2019.

Cidade: Salvador/BA.

Programação: [Clique aqui.](#)

Coordenadora: Paula Fernandes da Rocha Campos, da Agência Reguladora de Saneamento e Energia do Estado de São Paulo – ARSESP;

Secretário Executivo: Jorge Calfó;

Contato: ctgas@abar.org.br

CÂMARAS TÉCNICAS ABAR

As Câmaras Técnicas da Associação Brasileira de Agências de Regulação são grupos de discussão técnica sobre assuntos relacionados à regulação. São compostas pelos servidores das agências reguladoras associadas à ABAR de forma voluntária. O objetivo é proporcionar o benchmarking entre as agências, a troca de experiências, a apresentação de projetos e

CÂMARA TÉCNICA DE PETROLEO E GÁS

Criação de GRUPOS DE TRABALHO em função do Novo Mercado do Gás

GT Contratos de Concessão

GT TUSD

GT Revisão tarifária

GT Indicadores de fiscalização

GT Taxa de fiscalização

Comercialização - União

PRÓXIMA REUNIÃO

Local: 7 e 8 de novembro de 2019.

Cidade: Salvador/BA.

Inscrição: [Clique aqui.](#)

Coordenadora: Paula Fernandes da Rocha

Coordenadora, da Agência Reguladora de

Transporte e Energia do Estado de São

Paulista – ARSESP;

Coordenador Executivo: Jorge Calfo;

E-mail: ctgas@abar.org.br

1	2	3	4	5
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PROJETO DE LEI Nº 6.407, DE 2013 Apensado: PL nº 6.102/2016

Art. 46. A União, por intermédio do Ministério de Minas e Energia e da ANP, deverá articular-se com os Estados e o Distrito Federal para a harmonização e o aperfeiçoamento das normas atinentes à indústria de gás natural, inclusive em relação à regulação do consumidor livre.

Fernando Sabino

No fim tudo dá certo, e
se não deu certo é porque
ainda não chegou ao fim.

NOVO
MERCADO
DE GÁS



Obrigada

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<http://abar.org.br>

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