

ACER



Agency for the Cooperation
of Energy Regulators

Booking Platform decision for the German-Polish Interconnection points

Public workshop

19 June 2018

20/06/2018

1. Coffee and registration
2. Opening and introduction by ACER
3. Legal requirements

Lunch break

4. Other requirements
5. Next steps
6. Closing remarks



2. Opening and introduction by ACER

- NC CAM requires that one single capacity booking platform is selected on two sides of an IP
- German and Polish TSOs and NRAs did not agree on which booking platform to use at the border between the Gaspool market area (GASCADE and ONTRAS) and Poland (GAZ-SYSTEM)

2. Opening and introduction by ACER

- The matter was referred to the Agency on 19 April 2018
- Agency has 6 months to decide
- Agency decision by 19 October 2018
- Addressees have 2 months from the date of publication of the decision to appeal

2. Opening and introduction by ACER

- ACER will decide on the booking platform to be used, for a period not longer than 3 years
 - » Need for implementation period?
- TSOs shall then again try and make a contractual agreement before those 3 years are over
- If this does not succeed, the procedure will be repeated

2. Opening and introduction by ACER

- ACER needs to consult the NRAs and TSOs concerned
- To determine which criteria are relevant, also input from other stakeholders is welcomed
- Public consultation from 5 June – 27 June

2. Opening and introduction by ACER

- ACER's identification of relevant requirements:
 1. Requirements from to EU regulation
pass or fail
 2. Requirements from national regulation
pass or fail
 3. Other criteria (IT / user-friendliness),
based on Baringa study
scoring

2. Opening and introduction by ACER

- If a booking platform passes the first two sets of criteria, it will be scored against the other criteria and assessed against the price offered

2. Opening and introduction by ACER

*Any views from the workshop participants
on what was presented so far?*



3. Legal requirements

Criteria related to EU regulation

Criteria
Allocation of firm capacity
Allocation of interruptible capacity
Bundling of capacity products
Ascending clock auctions (yearly, quarterly, monthly)
Uniform price auctions (day-ahead, within-day)
Day-ahead bid roll over
Support of kWh/h and kWh/d as capacity units
Secondary capacity trading
Automated bidding
Reporting of platform transactions (bidders and public)
Bundling of capacity on 1:n situations
Offer of competing capacity products
Allocation of incremental capacity
Surrender of capacity
Buyback of capacity
REMIT data reporting obligations
Interoperability and data exchange obligations (Commission Regulation (EU) 2015/703)

3. Legal requirements

Criteria related to national regulation

Criteria
Assignment to balancing groups (required by BNetzA decision BK7-14-020 implementing (BAL NC) and CAM NC)
Support for capacity upgrade services (required by German GasNZV §13 Abs.2)
Anonymity of all trading procedures (required by German GasNVZ § 12(3)2)
Use of protocol AS4 and data format Edig@s-XML (required by Polish Transmission Network Code)

3. Legal requirements

*Any views from the workshop participants
on the legal requirements?*

Are there requirements missing?

Other requirements



4. Other requirements

IT - related

Authorisation level management
Network point display and administration
Secure platform access for network users
Peak service load
(Financial) insurances taken up to cover disruptions
Data backup and security
Continuing development (EU/national regulations)
Shipper and user registration on the platform
Graphical user interface of the platform
Options for connection to the platform
TSO and shipper automated communication

User-friendliness

Multi-currency booking
Credit limit check
Cost reflective fees
Cost transparency for TSOs

Additional user friendliness (IT)

Helpdesk availability outside business hours
Helpdesk availability in English
Helpdesk availability in other languages
Measures for data security and confidentiality, preservation of data

Additional platform criteria

User input in platform development
Price effects / Transport tariff effects
Capacity conversion service (CAM NC 21(3))

4. Other requirements

Any views from the workshop participants on the other requirements?

Are there requirements missing?

5. Next steps

Indicative timing:

- Consultation ends: 27 June
- Draft letter to BPs: around 13 July
- Final letter to BPs: around 23 July
- Offers from BPs: 6 August
- Decision making: 17 October
- Publication decision: 19 October

5. Next steps: offer letters from BPs

- BPs will be requested to submit binding offers for the required services.
- All submissions should include:
 - » the offer
 - » an additional information appendix and, if any, documents for substantiation to show that the EU legal requirements are met
 - » a letter of commitment to comply with the national requirements
 - » the service contracts as an integral part of the offer (unsigned)
 - » documents confirming the entitlement of legal representation of the Capacity Booking Platform Operator

5. Next steps: mandatory requirements

- All BP Operators are expected to submit offers which meet the requirements and show sufficient proof that verifies or explains how the offers meet the requirements.
- The requirements are subdivided into two categories: technical platform features and various other specific conditions.

Technical platform features

Criteria related to EU regulation

To verify compliance with EU legal requirements, it is sufficient to refer to the results of the Baringa-study if the booking platform received a full score

Criteria related to national regulation

In order to conform with the national requirements, the Capacity Booking Platform Operator should include in the offer, a letter of commitment to fulfil the specific obligations within 2 months from the conclusion of the contractual agreement on the use of the capacity booking platform between the involved TSOs according to Article 37(4) of CAM NC.

Various other specific conditions

Provisions regarding the service contract implementation

- Binding nature of the offers
- Liability
- Service contract

5. Next steps: weighing of criteria

- The Agency will evaluate all offers that fulfil the mandatory requirements.
- The evaluation is based on a catalogue of criteria that will be listed in the letters, the exact criteria and weighing of said criteria will be determined after the stakeholder consultation has ended.
- The evaluation of the offers will focus on the price for the services and the scoring of the criteria relevant for the TSOs and the stakeholders.
- Offers will be awarded points in accordance with the fulfilment of the respective criterion. All Capacity Booking Platform Operators are expected to verify their claims. It should be noted that bare statements and unsubstantiated confirmations will be regarded as insufficient.
- Based on the outcome of the offers evaluation the Agency will select the booking platform(s) to be used at 'Mallnow' IP and 'GCP' VIP.

5. Next steps

- **The offer procedure is not a tender:**
 - » It is a part of the ongoing administrative proceedings during which the Agency aims to collect and evaluate all the evidence necessary for the selection of a capacity booking platform.
 - » Hence, the offers will be included in the administrative proceedings documentation and published along with the decision.
 - » The BPs will have to claim confidentiality for the details in the offers they regard as business secrets or otherwise confidential, the way to claim confidentiality will be clearly explained in the offer letters.

4. Other requirements

Any views from the workshop participants on the next steps?

Are there any questions or suggestions regarding the offer letters?



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Thank you!



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Art 37(3) NC CAM

Within 6 months from entry into force of this Regulation all transmission system operators shall reach a contractual agreement to use a single booking platform to offer capacity on the two sides of their respective interconnection points or virtual interconnection points. If no agreement is reached by the transmission system operators within that period, the matter shall be referred immediately by the transmission system operators to the respective national regulatory authorities. The national regulatory authorities shall then, within a period of a further 6 months from the date of referral, jointly select the single booking platform for a period not longer than 3 years.

If the national regulatory authorities are not able to jointly select a single booking platform within 6 months from the date of referral, Article 8(1) of the Regulation (EC) No 713/2009 shall apply. The Agency shall decide on the booking platform to be used, for a period not longer than 3 years, at the specific interconnection point or virtual interconnection point.

Art 37(4) NC CAM

*In case the selection of the booking platform at an interconnection point or virtual interconnection point was made either by the national regulatory authorities or by the Agency, **the transmission system operators shall reach a contractual agreement on the use of a booking platform at the latest by the end of the period referred to in the last sentence of paragraph 3**, for which the selection was made by the national regulatory authorities or the Agency. **If no contractual agreement is reached, the procedure set out in paragraph 3 shall be resumed.***

Art 8(1) ACER Regulation

For cross-border infrastructure, the Agency shall decide upon those regulatory issues that fall within the competence of national regulatory authorities, which may include the terms and conditions for access and operational security, only:

(a) where the competent national regulatory authorities have not been able to reach an agreement within a period of six months from when the case was referred to the last of those regulatory authorities; or

(b) upon a joint request from the competent national regulatory authorities.

The competent national regulatory authorities may jointly request that the period referred to in point (a) is extended by a period of up to six months.

When preparing its decision, the Agency shall consult the national regulatory authorities and the transmission system operators concerned and shall be informed of the proposals and observations of all the transmission system operators concerned.