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# ACER



Agency for the Cooperation  
of Energy Regulators

## ACER report on the progress made on voluntary capacity bundling at interconnection points

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*Note: All hyperlinks referred to in this document were correct and functioning at the time of publication.*

## 1 Legal basis and its interpretation

- (1) Article 20 of the Network Code on Capacity Allocation Mechanisms (NC CAM)<sup>1</sup> requires network users to bundle existing capacity contracts on a voluntary basis at interconnection points.
- (2) Article 20 (1) of the NC CAM foresees:
 

*“The network users who are parties to existing transport contracts at the time of the entry into force of this Regulation at respective interconnection points, should aim to reach an agreement on the bundling of the capacity via contractual arrangements (‘bundling arrangement’), in compliance with the provisions set out in Article 19 of this Regulation. These network users and transmission system operators shall report to the relevant national regulatory authorities of all bundling arrangements reached by all parties to existing transport contracts. On that basis the national regulatory authority shall send a report to the Agency regarding the **yearly progress** on bundling capacity in the concerned Member State. **The Agency shall, two years from the entry into force of this Regulation, publish a report on the progress made on bundling capacity.**”*
- (3) This article obliges the Agency to publish a report on bundling arrangements by 4 November 2015. However, the article does not align the exact timing and frequency of reporting by network users, transmission operators (TSOs) and subsequently by national regulatory authorities (NRAs).

## 2 Survey

- (4) For a consistent reporting covering all interconnection points (IPs), the Agency decided to collect information on bundling arrangements reached by 01.01.2015.
- (5) Anticipating only a small number of voluntary bundling arrangements reached by network users, the Agency and NRAs agreed to apply a simplified approach for the reporting. From 23 April until 29 May 2015, the Agency requested the following (aggregated) data from NRAs:
  - IP name,
  - Direction (IP side),
  - Number of existing unbundled contracts (of at least one year’s duration) for which a bundling arrangement had been reached by 01.01.2015.

## 3 Results

- (6) Until June 2015, the Agency received feedback from 18 NRAs<sup>2</sup> on voluntary bundling progress made at their entry-exit systems’ borders.

<sup>1</sup> Commission Regulation (EU) No 984/2013 of 14 October 2013 establishing a Network Code on Capacity Allocation Mechanisms in Gas Transmission Systems and supplementing Regulation (EC) No 715/2009 of the European Parliament and of the Council, OJ L273/5, 15.10.2013  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:273:0005:0017:EN:PDF>

<sup>2</sup> Austria, Belgium, Croatia, Czech Republic, Denmark, France, Germany, Greece, Hungary, Italy, Republic of Ireland, Lithuania, Luxembourg, the Netherlands, Poland, Spain, Sweden and the United Kingdom

- (7) Only at one single IP, **Oberkappel** (between Germany and Austria), some unbundled contracts have been bundled. Namely, 6 unbundled contracts on the Austrian exit side have been bundled with 7 unbundled contracts on the German entry side. In the other direction, one unbundled contract on the German exit side has been bundled with an unbundled contract on the Austrian entry side. However, one and the same network user held the corresponding capacity on both sides of the IP.

## 4 Conclusions

- (8) The Agency concludes that the “voluntary bundling”, as currently described in the NC CAM in Article 20, has not taken place so far<sup>3</sup>.
- (9) Several stakeholders (including EFET) expressed that they would like the TSOs to take on a more active role in facilitating bundling. ENTSOG and some NRAs supported this request and proposed possible solutions facilitating bundling on a case-by-case basis.

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<sup>3</sup> as of 1.1.2015 (i.e. almost 14 months after entry into force of NC CAM)



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