



2019-68923  
PU.0731.55.2018.5

Warsaw, 2019-04-26

AGENCY FOR THE COOPERATION OF ENERGY  
REGULATORS  
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### **GAZ-SYSTEM's position paper – public consultation**

With regard to the invitation expressed on the ACER's website in the announcement of the public consultation on the selection of the single capacity booking platform on PL-DE border, GAZ-SYSTEM would like to raise some concerns with regard to the scope of the selection procedure proposed by ACER:

#### **General remarks**

1.



2. GAZ-SYSTEM would like to underline that the booking platforms should be duly informed about the scoring methodology mentioned in Annex 4 in a due time before the deadline for placing the offers.
3. With respect to the comment above, GAZ-SYSTEM supports the methodology established by ACER in a course of the previous proceeding on the selection of a single web-based booking platform for the booking bundled gas transmission capacity on the border between Germany and Poland held between April and October 2018.
4. However, as regards an e-mail received by the GSA Platform Representative Mr. Piotr Kuś, informing on the proposed timeline of the new procedure, GAZ-SYSTEM would like to put to

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<sup>1</sup> Judgement of the Court of 4 July 1973 - Westzucker GmbH v Einfuhr- und Vorratsstelle für Zucker– (Case 1-73)  
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the ACER's attention the fact, that proposed three weeks period for the submission of the offer might not be enough to complete the final ACER's request and to obtain the approval of the relevant external auditor for the IT self-assessment. Moreover, additional time for obtaining an English translation of the auditor's report should be assured. Considering the probable, comprehensive scope of the auditor's report and accompanying documents (depending on the Agency's demand for the documentation proving the fulfilment of the IT requirements, the translated report might reach hundreds of pages) appropriate time for any translation that might be needed should be provided to the platform operators. Therefore, GAZ-SYSTEM would suggest to extend the deadline for the submission of the offer by at least two weeks. Having in mind challenging timeline of the proceeding it would be advisable to inform the platform operators about the exhaustive scope of the required documentation.

**Detailed comments**

1.



2.





3. **Annex 3, IT domain 'Incident Management', page 25** – between question a.91 and a.92 there is a blank space lacking a question while the scores are awarded and counted in the maximum number of points per this domain.
4. **Annex 3, IT domain 'Service Provider management', question a.151** – with regard to the issue of validity of responsibilities and duties of the service provider and its staff after the termination of the contact or change of the service provider GAZ-SYSTEM would like to propose extending or respectively rephrasing the scope of the question in order to obtain additional information whether upon termination of the contract with the service provider the non-disclosure agreements with the service provider and its staff are binding for indefinite or definite period of time.

### **Inquiries to the questionnaire**

1. **Scope of the information to be approved by the auditor** – GAZ-SYSTEM would like to ask for the clarification whether formal, external audit shall cover all IT domains and all features enumerated under each IT domain or whether in a case when some of the requested features have been already examined due to the ISO certification procedure and are confirmed by a respective ISO certificate, an additional confirmation from the auditor is still needed or the scope of the auditor's confirmation shall cover only these features which have not been subject to the prior certification procedure?
2. **The Chief Information and Technology Officer, page 4** – GAZ-SYSTEM would like to ask for clarification what ACER understands under "the Chief Information and Technology Officer". As the scope of requirements to be proved covers not only IT issues but also security, cybersecurity, business continuity management, data protection and others it is difficult to point a single platform operator's representative being in a position to duly confirm the above scope.
3. **Annex 3, questions a.3/a.4** – GAZ-SYSTEM would like to ask for the clarification to what kind of accounts ACER referred in these requirements (operational or business)? Also, we would like to emphasize that there is no obligation to have such business account. However, the questionnaire does not provide such answer to mark. Therefore, we believe that there should be also possibility to choose option 'non applicable'. If such option is applied to the platform, the maximum number of points shall be given for this answer.
4. **Annex 3, question a.186** - GAZ-SYSTEM would like to ask for clarification what is meant by best practice in terms of usability of the graphical interface? It shall be mentioned that it may be difficult or even impossible for the external auditor never having an experience with auctioning of capacity via web booking platform to determine if the graphical interface is user-friendly. Hence GAZ-SYSTEM would like to ask for either a clarification of what is understood by best practices or alternatively deletion of this question from the questionnaire.
5. **AOB** – GAZ-SYSTEM would like to ask whether the translation of the procedural documentation shall be provided by the sworn translator or working translation is sufficient.



