

PUBLIC CONSULTATION AS PART OF AGENCY DECISION MAKING PROCESS FOR THE SELECTION OF SINGLE CAPACITY BOOKING PLATFORM(S) AT ‘MALLNOW’ AND ‘GCP VIP’ (Article 37(3) CAM NC)

Note accompanying the Agency’s questionnaire (xls format)

Since 19 April 2018, the Agency – after the referrals of the disagreeing national regulatory authorities - is competent to decide on the capacity booking platform to be used at ‘Mallnow’ IP and ‘GCP’ VIP. To make an informed decision on this matter, the Agency seeks to consult all interested stakeholders on the criteria to be used, when deciding on the capacity booking platform.

The Agency will make a decision by 19 October 2018, in accordance with *Article 37(3) of Commission Regulation (EU) 2017/459 of 16 March 2017 establishing a network code on capacity allocation mechanisms in gas transmission systems and repealing Regulation (EU) No 984/2013* (‘CAM NC’).

The decision making process, including this consultation follows the procedures in accordance with *Article 8(1) of the Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the cooperation of Energy Regulators*. Stakeholders are invited to submit their comments by:

27 June 2018, 24:00 hrs (CET)

by sending them to the following address:

bookingplatform@acer.europa.eu

This document contains specific questions for consultation. Stakeholders are invited to address the issues raised in the questions, as well as to provide any other comments, which they may deem appropriate. In order to identify your response, please include the following contact information: Name, Company, Address, Contact email, Phone and Country.

The Agency values the information that will be gathered through this public consultation; however, stakeholders should note that the results of the consultation are not binding the Agency, and the Agency will base its decision on all information collected over the course of the decision making process.

Following the public consultation period, the Agency will publish all answers received from stakeholders. Stakeholders should also consider that confidential answers should be used in a limited way. The Agency advises stakeholders to claim confidentiality only for commercially sensitive information and to ensure that a non-confidential version is also submitted. Nevertheless, if you wish to submit confidential material, please put the word ‘CONFIDENTIAL’ in the subject line of the e-mail. The Agency will not treat as confidential those e-mails which contain only a standard disclaimer inside the message of the e-mail (usually added automatically at the bottom).

Related documents

- Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators
- Commission Regulation (EU) 2017/459 of 16 March 2017 establishing a network code on capacity allocation mechanisms in gas transmission systems and repealing Regulation (EU) No 984/2013

1. Background

In accordance with Article 37(3) of the CAM NC, TSOs are required to reach a contractual agreement to use a single booking platform to offer bundled capacity on the two sides of their respective interconnection points ('IPs') or virtual interconnections points ('VIPs'). The agreement should be reached within six months from the entry into force of the CAM NC. If no agreement is reached by the TSOs within that period, the matter shall be referred immediately by the TSOs to the respective national regulatory authorities ('NRAs'). The NRAs shall then, within a period of a further six months from the date of referral, jointly select the single booking platform for a period of not longer than three years.

If the NRAs fail to reach an agreement within the six-month period, the Agency is called upon to adopt a decision concerning the booking platform to be used, for a period of no longer than three years, at the specific IP or VIP, in accordance with Article 8(1) of Regulation (EC) No 713/2009. According to the third subparagraph of Article 8(1) of Regulations (EC) No 713/2009, when preparing its decision, the Agency shall consult the NRAs and TSOs concerned and shall be informed of the proposals and observations of all the TSOs concerned.

2. Guidance to the consultation questionnaire (xls format)

The consultation questionnaire is an excel file that contains three sheets: the first tab deals with respondent contact information, the second tab covers the questions regarding the legal requirements that booking platforms have to meet, and the third tab covers questions regarding the non-legal services and functionalities that may be relevant for booking platforms. The three sheets are further explained in the below subsections.

2.1 Respondent information

Please complete the respondent contact information on the tab “RESPONDENT”. Only the information related to the organisation or company (name, country, address) will be published alongside the responses submitted.

The information pertaining to personal data will not be published. It will be used only for following up on the consultation, e.g. for clarification questions. Please read the privacy statement and check the box before continuing with the questionnaire.

Figure 1. Snapshot tab ‘RESPONDENT’ (dummy information added for illustrative purposes)

RESPONDENT INFORMATION		
Name of organisation or company	XYZ energy company	
Country	Christmas Island	
Address [street 12 (PO box), postal code, city]	Murray Road 356, 6498, Flying Fish Cove	
Name of respondent	Jane Richardson	this information will not be shared or published
E-mail	j.richardson@xyz.com	this information will not be shared or published
Phone [+12 34 567 890]	+12 34 567 890	this information will not be shared or published

Please also indicate the gas capacity booking platforms you have used in the last 24 months (06-2016 – 06-2018) and specify the last date of use in the format MM/YYYY. In the other tabs of the questionnaire, questions pertaining to the evaluation of the performance of a particular booking platform should only be completed for the platforms that the respondent

has used in the last 24 months (columns D-F in tab COMPLIANCE, columns H-J in tab OTHER CRITERIA).

Figure 2. Snapshot tab ‘RESPONDENT’, platforms used by the respondent (dummy information added for illustrative purposes)

WHICH CAPACITY BOOKING PLATFORMS HAVE YOU USED IN THE LAST 24 MONTHS? (put 1 for 'yes, I have used this platform" or 0 for 'no, I have not used this platform')		
	1 or 0	Date of last use? MM-YYYY
BP1	1	06-2016
BP2	1	06-2018
BP3		

2.2 Questions on compliance criteria

The questions on the tab “COMPLIANCE” relate to services and functionalities of booking platforms that are stemming from EU regulation (e.g. CAM NC, CMP GL, REMIT). The Agency deems that booking platforms must comply with these criteria.

Respondents are asked to give a score for each criterion and for each booking platform which the respondent has used. The scores are:

- 1 for ‘yes, the platform meets the legal requirement’;
- 0 for ‘no, the platform does not meet the legal requirement’;
- For platforms which have not been used by the respondent the respondent should leave the answer cell empty.

A score of 1 should only be granted if the platform meets the requirement in full. In case one or more booking platforms do not fully meet a legal requirement, the respondent can clarify, why the platform is deemed non-compliant (for instance, a booking platform could offer ascending clock auctions for yearly and quarterly products, but not for monthly products; all products should be offered).

Figure 3. Snapshot of tab ‘COMPLIANCE’, related to EU regulation (dummy scores added for illustrative purposes)

COMPLIANCE CRITERIA These criteria must be met in full by the booking platform due to legal requirements		Please evaluate the Booking Platforms, <u>you have used in the past</u> , along the full list of criteria (Column B); please use 1 for 'yes, the platform meets the legal requirement', 0 for 'no, the platform does not meet the legal requirement'; leave the column blank in case you have not used a particular platform or you have no experience with a national requirement; note that the criteria must be met in full to score 1 (e.g. for criterion 5 both day-ahead and within-day uniform price auctions must be offered			Please explain <u>in case you answered 'no, the platform does not meet the legal requirement'</u> , for each platform separately if applicable (e.g. the platform offers ascending clock auctions for yearly and quarterly products, but not for monthly products)
		1 or 0	1 or 0	1 or 0	text
Related to regulation (CAM, CMP, REMIT)	Description of criteria	BP1	BP2	BP3	Clarification for platforms marked 0
1 Allocation of firm capacity	The allocation of firm capacity products via auction –CAM NC Article 8		1		
2 Allocation of interruptible capacity	The allocation of interruptible capacity products via auction –CAM NC Article 32		1		
3 Bundling of capacity products	Automated bundling of two capacity products on the same IP –CAM NC Articles 19 and 21		1		
4 Ascending clock auctions (yearly, quarterly and monthly)	The creation and holding of auctions for long term products in accordance –CAM NC Article 17		0		BP1 does not offer ascending clock auctions for monthly products

The Agency also likes to know to what extent the booking platforms comply with national requirements stemming from national law applicable in the concerned territories of Germany and Poland.

Respondents are asked to give a score for each criterion and for each booking platform which the respondent has used. The scores are:

- 1 for ‘yes, the platform meets the legal requirement’;
- 0 for ‘no, the platform does not meet the legal requirement’;
- For platforms which have not been used by the respondent, the respondent should leave the answer cell empty. In case the respondent has no experience with national law applicable to IPs at the German or Polish border, the respondent should also leave the answer cell empty.

Figure 4. Snapshot tab ‘COMPLIANCE’, related to national requirements

National requirements	Description of criteria	BP1	BP2	BP3	Clarification for platforms marked 0
18 Assignment to balancing groups	BNetzA decision BK7-14-020 implementing (BAL NC) and CAM NC				
19 Support for capacity upgrade services	Pursuant to § 13 Abs. 2 GasNZV Required by Polish TSO pursuant to the national Transmission Network Code				
20 Use of protocol AS4 and data format Edig@s-XML					
21 Anonymity of all trading procedures	Pursuant to § 12 (3) 2 GasNZV				

Finally, respondents can propose additional legal requirements that they deem relevant for booking platforms, adding a description and a reference to the legal rule (e.g. a national law) and giving a score, if possible, of 0 or 1 for each booking platform which the respondent has used.

Figure 5. Snapshot tab ‘COMPLIANCE’, proposing and motivating an additional legal requirement

Proposed by stakeholders	Description of criterion/reference to the legal requirement	BP1	BP2	BP3	Clarification for platforms marked 0
[Please propose additional legal criterion, if needed and explain why it is important, with reference to legal text]					

2.3 Questions on other criteria

The questions on the tab ‘OTHER CRITERIA’ relate to services and functionalities that may be deemed relevant for booking platforms. The listed criteria stem from the 2015 consultancy report¹ on the assessment of capacity booking platforms (IT-related and user friendliness) and from discussions about the case at hand between the Agency and the concerned NRAs and TSOs at the German-Polish border (governance, user impact and a voluntary CAM NC service; marked by green text in the questionnaire).

Respondents are invited to express their opinion as to whether a criterion is relevant or not in the assessment of a capacity booking platform, giving a score in column D of:

- 1 for ‘yes, it is a relevant criterion’;
- 0 for ‘no, the criterion is not relevant’;

¹ Baringa, 2015. Capacity booking platform assessment. Final report. Available at: https://www.acer.europa.eu/en/Gas/Framework%20guidelines_and_network%20codes/Documents/Gas%20Capacity%20booking%20platforms%20assessment.pdf.

- In column E, the respondents have the opportunity to clarify why a criterion is deemed to be not relevant in the assessment of capacity booking platforms.

For those criteria that have been marked as relevant in column D, the respondents are invited to express the **relative importance** in column F by distributing 10 points over the relevant criteria. The total number of points has been set in a way that it is restrictive and requires respondents to prioritize their 3 to 5 most important services and functionalities that booking platforms offer. Respondents must give at least 3 relevant criteria a positive score. It may be the case that some criteria that have been marked as relevant in column D will get no score (or a 0 score) in column F. Respondents can clarify their marks in column G.

Respondents are also invited to rate for each criterion the performance of each booking platform that the respondent has used by giving a score

- 3 for ‘excellent’ performance;
- 2 for ‘ok’ performance;
- 1 for ‘poor’ performance;
- In case the respondent has no experience with a particular booking platform, the answer cells in that column should be left empty;
- The respondent is invited to briefly clarify the evaluation of the performance of one or more booking platforms in column K.

Figure 6. Snapshot tab ‘OTHER CRITERIA’, related to IT requirements, user friendliness, and governance and user impact (dummy scores added for illustrative purposes)

EVALUATION CRITERIA These criteria are related to the services and functionalities that are common for auction platforms (cf. Barings, 2015 -note: the Agency edited some of the descriptions for clarity) green text mark additional criteria included by the Agency based on a hearing of the concerned parties (NRAs and TSOs)		Please evaluate whether a certain criterion (Column B) is a valid criterion for the evaluation of the Booking Platforms. Please use 1 for 'yes, this criterion is relevant' and 0 for 'no, this criterion is not relevant'. If you consider any item non relevant, please give an explanation in Column E	In case you considered a criterion non-relevant, please explain why	For the criteria marked by you as relevant (Column D), please evaluate their relative importance by distributing 10 points over at least 3 of your relevant criteria.	Please elaborate in a short text why you valued a specific criterion, as you did.	Please evaluate the Booking Platforms, you have used in the past , along the full list of criteria (Column B), regardless whether you marked a certain criterion valid or not. Please rate the platforms with a score from 1-3, with 1 representing poor performance, 2 for ok performance and 3 for excellent performance; leave blank if you have never used the particular platform		
		1 (relevant) or 0 (non-relevant)	text	numbers	text	1 (poor), 2 (ok) or 3 (excellent)	1 (poor), 2 (ok) or 3 (excellent)	1 (poor), 2 (ok) or 3 (excellent)
IT-related (Barings)	Description of criteria	Relevance of criterion?	Why is it not relevant?	Importance of criterion?	Why is it important?	BP1	BP2	BP3
21	Authorisation level management Functionality to manage levels of user access and permissions Functionality to create and manage network points by TSOs	1					2	2
22	Network point display and administration	1			3		3	2
23	Secure platform access for network users Data security protocols in place for network user access IT infrastructure capacity available and used, and scalability of IT infrastructure to deal with a high amount of transactions, users, etc.	1			6		3	3
24	Peak service load						2	3
25	(Financial) insurances taken up to cover disruptions Insurance to cover platform's liability of lost revenue of platform users through platform failure	0					2	2
26	Data backup and security Data backup, data retention and data security processes, standards and policies	1			1		3	2
27	Continuing development (EU / national regulations) Level of planned future development of platform	0					2	2

User friendliness (Barings)	Description of criteria	Relevance of criterion?	Why is it not relevant?	Importance of criterion?	Why is it important?	BP1	BP2	BP3
32 Multi-currency booking	Level of support for multiple currencies within platform							
33 Credit limit check	Functionality to set and enforce network user credit limits (check solvency of network users)							
34 (efficient) Cost reflective fees	Alignment of platform usage fees to total operating cost (TSOs Users)							
35 Cost transparency for TSOs	Level of transparency of charging structures used to charge TSOs							
36 Helpdesk availability outside business hours	Technical and business support available 24/7							
37 Helpdesk availability in English	Support available in EN							
38 Helpdesk availability in other languages	Support available in other language							
39 confidentiality, preservation of data	Adequacy of data management practices							
Additional criteria (collected in a hearing of the concerned parties) (governance, user impact, voluntary CAM NC service)	Description of criteria	Relevance of criterion?	Why is it not relevant?	Importance of criterion?	Why is it important?	BP1	BP2	BP3
40 User input in platform development	Presence of a body for (non-binding) input of platform users (advisory board or similar governance instrument)							
41 Price-effects / Transport tariff-effects	How end-users tariffs are affected by the costs / choice of the platform (TSO back-end costs and platform service costs)							
42 Capacity conversion service	Service for network users holding mismatched unbundled capacity -CAM NC 21.3 (the implementation may be facilitated by the capacity booking platforms)							

Help messages will be shown in the consultation questionnaire to clarify how to answer the different questions.

Finally, respondents can propose additional criteria that they deem relevant services or functionalities for capacity booking platforms, adding a description of the criterion, a clarification about why the criterion is relevant, and giving a score, if possible, of 0 or 1 for each booking platform which the respondent that is proposing the criterion has used.

Figure 7. Snapshot tab ‘OTHER CRITERIA’, related to proposing and motivating an additional (non-legally required) service or functionality

Proposed by stakeholders	Description of criterion	Why is this criterion relevant?	BP1	BP2	BP3
[Please propose additional criterion, if needed and explain why it is important]					

3. Submitting the questionnaire

- Download the questionnaire.
- Fill in the requested information in the answer cells and save as “BP_consultation_XYZ.xlsx”, replacing XYZ with the name of your organisation.
- Send the file to bookingplatform@acer.europa.eu.