

Annex 2 Catalogue of criteria on legal requirements

The selection criteria consist of 22 legal platform features subdivided into two categories: EU legal requirements and National requirements.

ID	Category	Requirement
1	EU legal requirements	Allocation of firm capacity
2		Allocation of interruptible capacity
3		Bundling of capacity products
4		Ascending clock auctions (yearly, quarterly, monthly)
5		Uniform price auctions (day-ahead, within-day)
6		Day-ahead bid roll over
7		Support of kWh/h and kWh/d as capacity unit
8		Secondary capacity trading
9		Automated bidding
10		Reporting of platform transactions (bidders and public)
11		Bundling of capacity on 1:n situations
12		Offer of competing capacity products
13		Allocation of incremental capacity
14		Surrender of capacity
15		Buyback of capacity
16		REMIT data reporting obligations
17		Interoperability and data exchange obligations (Commission Regulation (EU) 2015/703, CAM NC Art. 5 and 7, IOP NC Art. 20, 21 and 23(1))
18	Avoidance of cross-subsidies between network users (Article 13 of Regulation (EC) No 715/2009)	
19	National requirements	Assignment to balancing groups (required by BNetzA decision BK7-14-020 implementing (BAL NC) and CAM NC)
20		Support for capacity upgrade services (required by German GasNZV §13 Abs.2)
21		Anonymity of all trading procedures (required by German GasNZV § 12(3)2)
22		Support for individual capacity products (required by German GasNZV § 11(1)1, 11(1)2 and 12(3)1)

1.1 EU legal requirements

The majority of the EU legal requirements stems from CAM NC and do not need any further explanation. Three of the requirements stems from other regulations and will be explained in detail.

1.1.1 REMIT data reporting obligations

The REMIT obligations will be checked based on the reporting obligations. The Agency requests a description of which processes are in place to comply with the REMIT reporting obligations, as well as whether the capacity booking platforms have REMIT related data and how it is reported.

1.1.2 Interoperability and data exchange obligations (Commission Regulation (EU) 2015/703, CAM NC Art. 5 and 7, IOP NC Art. 20 and 21 and 23(1))

To the extent the Capacity Booking Platform Operator facilitates the TSO obligations included in Article 7 of CAM NC, the provision applies.

Article 5(2) of CAM NC in particular applies to the communication processes between the capacity booking platform ('transmission system operators auction system') and network users. In that respect the CNOT table¹ published by ENTSOG, which identifies the relevant Auction-office-user processes, is to be used and the communication protocols will be verified.

The Articles 20, 21 and 23(1) of Commission Regulation (EU) 2015/703 of 30 April 2015 establishing a Network Code on interoperability and data exchange rules (IOP NC) applies². The common data exchange solutions are set out in Article 21, which outlines the type, the protocol and the format of the data exchange solution.

The national requirement requested by URE regarding Edig@as and AS4 is connected to these articles. Article 21 IOP NC states that *if* document-based data exchange is used, the protocol *shall* be AS4. However, there is no requirement that the type of data exchange has to be document-based. Article 20 IOP NC states that "the data exchange requirements foreseen by point 2.2 of Annex I to Regulation (EC) No 715/2009, Commission Regulation (EU) No 984/2013, Commission Regulation (EU) No 312/2014, Commission Regulation (EU) No 1227/2011 and this Regulation between transmission system operators and from transmission system operators to their counterparties *shall* be fulfilled by common data exchange solutions set out in Article 21." The TSO have to use one or more of the solutions set out in Article 21 IOP NC, but they can choose which one/ones to use. The 'national requirement' is therefore not a national requirement but a part of an EU legal requirement, which should be fulfilled by the Capacity Booking Platform Operator to the extent it facilitates the TSO obligations included in Articles 20, 21 and 23(1).

¹ https://entsog.eu/public/uploads/files/as4/2018/INT0994-161026%20Common%20Data%20Exchange%20Solution%20Table_final.pdf

² The Agency notes that Article 23(1) refers to Article 21 in its integrity.

1.1.3 Avoidance of cross-subsidies between network users (Article 13 of Regulation (EC) No 715/2009)

This requirement ensures a fair comparison of offers based on the costs of providing the service for these points. If other departments in the organisation cross-subsidize the booking platform (i.e. carry a share of the costs that is in fact related to the booking platform), the offer may not reflect the true costs. Similarly, if other TSOs or points cross-subsidize the service for these points (i.e. carry a share of the costs that is in fact related to these points), the offer may not reflect the true costs. As these costs are ultimately included in the tariffs, Art. 13 of Regulation [EC] No 715/2009 applies. A number of respondents in the consultation conducted by the Agency also raised this issue.

The Agency expects from the capacity booking platforms that are not a separate legal entity a justification in terms of the costs of the organisation assigned to the booking platform. The Agency expects from all booking platforms a justification in terms of the cost allocation to the various points/TSOs.

1.2 National requirements

1.2.1 Assignment to balancing groups (required by BNetzA decision BK7-14-020 implementing Commission Regulation (EU) No 312/2014 of 26 March 2014 establishing the Network code on Gas Balancing of Transmission Networks (BAL NC) and CAM NC)

In case of within-day booking, the capacity booking platform has to allow network users to assign their intended transports to a certain balancing group, so that they can make use of their booked capacity in the GASPOOL market system, since time constraints relating to short term bookings do not allow a separate assignment process outside of the platform.

1.2.2 Support for capacity upgrade services (required by German GasNZV §13(2))

The capacity booking platform has to allow the network user to use its right to convert existing capacity bookings or parts thereof into capacity products less likely to be interrupted by taking part in the respective auctions for these capacity products. The network user should thus be able to include any such declaration of intent in the bid submission on the capacity booking platform. Otherwise, the TSO would not be able to tell if the network user is booking in addition to his existing transport contracts or wants to upgrade parts of existing contracts.

1.2.3 Anonymity of all trading procedures (required by German GasNVZ § 12(3)2)

Anonymity of all trading procedures, both for primary and secondary trading, must be warranted with respect to the organisation offering the capacity, prospective buyers and third parties. This means that the bidding process of the network users is anonymous, from the moment the bid is sent to the platform until the auction reaches a result. GasNVZ § 12(3)2 regulates how non-aggregated data should be handled and that other data than auction results (bids, offers) also should be kept anonymous, in order to avoid market manipulation.

The requirement is a further specification of Articles 11(10) and (11), 12(8) and (9) CAM NC, which perceives the process from the angle of what is communicated to the individual user and to the market. In particular, and according to the CAM NC requirements, TSO access shall be limited to the final allocation results and the aggregated information published to the market.

1.2.4 Support for individual capacity products (required by German GasNZV § 11 (1)1, 11 (1)2 and 12 (3)1)

The capacity booking platform has to offer all available capacity by type in a transparent way (firm capacity products, interruptible capacity products, firm capacity products with certain restrictions). Also, the subsequent processes like capacity bundling (e.g. in which order to match the different capacity types from both sides of the border) should be handled on the capacity booking platform.