

Annex I

Amendment Proposal to

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

(Text with EEA relevance)

**CHAPTER I
GENERAL PROVISIONS**

Article 1

Subject matter

This Regulation establishes a Network Code setting up ~~standardised~~ capacity allocation mechanisms in gas transmission systems: for existing and incremental capacity. The standardised capacity allocation mechanisms shall include an auction procedure for relevant interconnection points within the Union and the standard ~~cross-border~~ capacity products to be offered and allocated. Where incremental capacity is offered, alternative capacity allocation mechanisms may also be used. This Regulation shall set out how adjacent transmission system operators cooperate in order to facilitate capacity sales, having regard to general commercial as well as technical rules related to capacity allocation mechanisms.

Article 2

Scope

1. This Regulation shall apply to interconnection points. It may also apply to entry points from and exit points to third countries, subject to the decision of the relevant national regulatory authority. This Regulation shall not apply to exit points to end consumers and distribution networks, entry points from 'liquefied natural gas' (LNG) terminals and production facilities, and entry-exit points to or from storage facilities.

2. This Regulation shall apply to all technical and interruptible capacity at interconnection points as well as to additional capacity in the meaning of point 2.2.1 of Annex I of Regulation (EC) No 715/2009: and to incremental capacity. This Regulation shall not apply to interconnection points between Member States where one of these Member States holds a derogation on the basis of Article 49 of Directive 2009/73/EC.

3. ~~Articles~~ Where an alternative capacity allocation mechanism according to Article 20d is applied, Article 8(1) to (7), Articles 11 to 18, Articles 19(2) and 24 to 27 shall not apply ~~be applicable~~ to

~~new technical capacity to be allocated~~the offer levels, unless decided otherwise by means of open allocation procedures~~the relevant national regulatory authorities. In any case the allocation results shall be published, for new increases in~~ technical capacity, ~~such as open season procedures, apart from~~ the booking platform which is used for auctioning existing capacity ~~which remains unsold after it has been initially offered~~as set out in Article 27, and for new capacity created where none currently exists, on a respective joint booking platform agreed by means of such procedures~~the relevant transmission system operators as set out in Article 27.~~

4. Where implicit allocation methods are applied, national regulatory authorities may decide not to apply Articles 8 to 27.

5. In order to prevent foreclosure of downstream supply markets, competent national authorities may, after consulting network users, decide to take proportionate measures to limit up-front bidding for capacity by any single network user at interconnection points within a Member State.

Article 3

Definitions

For the purposes of this Regulation, the definitions in Article 2 of Regulation (EC) No 715/2009, Article 3 of Regulation (EU) No XXX/201X (TAR NC) and Article 2 Directive 2009/73/EC shall apply. In addition, the following definitions shall apply:

- (1) ‘ascending clock auction’ means an auction in which a network user places requested quantities against defined price steps, which are announced sequentially;
- (2) ‘auction calendar’ means a table displaying information relating to specific auctions which is published by ENTSOG by January of every calendar year for auctions taking place during the period of March until February of the following calendar year and consisting of all relevant timings for auctions, including starting dates and standard capacity products to which they apply;
- (3) ‘bidding round’ means the period of time during which network users can submit, amend and withdraw bids;
- (4) ‘bundled capacity’ means a standard capacity product offered on a firm basis which consists of corresponding entry and exit capacity at both sides of every interconnection point;
- (5) ‘competing capacities’ means capacities for which the available capacity in one of the concerned auctions cannot be allocated without fully or partly reducing the available capacity in the other concerned auction;
- (6) ‘first time undersell’ means an occurrence where the aggregate demand across all network users is less than the capacity offered at the end of the second bidding round or a subsequent bidding round;
- (7) ‘gas day’ means the period from 5:00 to 5:00 UTC the following day for winter time and from 4:00 to 4:00 UTC the following day when daylight saving is applied;
- (8) ‘implicit allocation method’ means an allocation method where, possibly by means of an auction, both transmission capacity and a corresponding quantity of gas are allocated at the same time;

- (9) ‘interconnection agreement’ means an agreement entered into by adjacent transmission system operators, whose systems are connected at a particular interconnection point, which specifies terms and conditions, operating procedures and provisions, in respect of delivery and/or withdrawal of gas at the interconnection point with the purpose of facilitating efficient interoperability of the interconnected transmission networks;
- (10) ‘interconnection point’ means a physical or virtual point connecting adjacent entry-exit systems or connecting an entry-exit system with an interconnector, in so far as these points are subject to booking procedures by network users;
- (11) ‘large price step’ means a fixed or variable amount that is defined per interconnection point and standard capacity product;
- (12) ‘over-nomination’ means the entitlement of network users who fulfil minimum requirements for submitting nominations to request interruptible capacity at any time within day by submitting a nomination which increases the total of their nominations to a level higher than their contracted capacity;
- (13) ‘reserve price’ means the eligible floor price in the auction;
- (14) ‘small price step’ means a fixed or variable amount that is defined per interconnection point and standard capacity product which is smaller than the large price step;
- (15) ‘standard capacity product’ means a certain amount of transport capacity over a given period of time, at a specified interconnection point;
- (16) ‘uniform-price auction’ means an auction in which the network user in a single bidding round bids price as well as quantity and all network users, who are successful in gaining capacity, pay the price of the lowest successful bid;
- (17) ‘virtual interconnection point’ means two or more interconnection points which connect the same two adjacent entry-exit systems, integrated together for the purposes of providing a single capacity service;
- (18) ‘within-day capacity’ means capacity offered and allocated after the closure of the day-ahead capacity auctions with respect to that day;
- (19) ‘economic test’ means a test applied to assess the economic viability of incremental capacity projects;
- (20) ‘incremental capacity’ means a possible future increase in technical capacity or possible new capacity created where none currently exists that may be offered based on investment in physical infrastructure or long-term capacity optimisation and subsequently allocated subject to the positive outcome of an economic test, in the following cases:
- (a) at existing interconnection points,
 - (b) by establishing a new interconnection point or points;
 - (c) as physical reverse flow capacity at an interconnection point or points, which has not been offered before.

Capacity created via non-market based procedures and for which the final investment decision has been taken without prior commitments from network users is not considered incremental capacity, but has to be offered and allocated as available standard capacity products as described in this Regulation.

(21) 'offer level' means, where yearly standard capacity products for incremental capacity are offered at an interconnection point, the sum of the available capacity and the respective level of incremental capacity offered for each of the yearly standard capacity products at the interconnection point;

(22) 'incremental process' means a process to assess the market demand for incremental capacity that includes a non-binding phase, in which network users express and quantify their demand for incremental capacity, and a binding phase, in which binding commitments for contracting capacity are requested from network users by one or more transmission system operators.

(23) 'alternative allocation mechanism' means an allocation mechanism for incremental capacity designed on a case-by-case basis by transmission system operators and approved by national regulatory authorities to accommodate conditional demand requests.

CHAPTER II PRINCIPLES OF COOPERATION

Article 4

Coordination of maintenance

Where maintenance of a pipeline or part of a transmission network has an impact on the amount of transmission capacity which can be offered at interconnection points, the transmission system operator(s) shall fully cooperate with their adjacent transmission system operator(s) regarding their respective maintenance plans in order to minimise the impact on potential gas flows and capacity at an interconnection point.

Article 5

Standardisation of communication

1. Transmission system operators shall coordinate the implementation of standard communication procedures, coordinated information systems and compatible electronic on-line communications such as shared data exchange formats and protocols, as well as agree principles as to how this data is treated.

2. Standard communication procedures shall include, in particular, those relating to network users' access to the transmission system operators' auction system or a relevant booking platform and the review of auction information provided. The timing and content of the data to be exchanged shall be compliant with the provisions set out in Chapter III.

3. The standard communication procedures adopted by transmission systems operators shall include an implementation plan and duration of applicability, which shall be in line with the

development of booking platform(s) as set out in Article 27. Transmission systems operators shall ensure confidentiality of commercially sensitive information.

Article 6

Capacity calculation and maximisation

1. The maximum technical capacity shall be made available to network users, taking into account system integrity, safety and efficient network operation.

(a) In order to maximise the offer of bundled capacity through the optimization of the technical capacity transmission system operators shall take the following measures at interconnection points, giving priority to those interconnection points where there is contractual congestion pursuant to point 2.2.3(1) of Annex I to Regulation (EC) No 715/2009: 4 February 2015, the transmission system operators shall establish and apply a joint method, setting out the specific steps to be taken by the respective transmission system operators to achieve the required optimization:

(1) the joint method shall include an in-depth analysis of the technical capacities, including any discrepancies therein on both sides of an interconnection point, as well as the specific actions and detailed timetable – including possible implications and containing the regulatory approvals required to recover costs and adjust the regulatory regime – necessary to maximize the offer of bundled capacity. Such specific actions shall not be detrimental to the offer of capacity at other relevant points of the concerned systems and points to distribution networks relevant for security of supply to final customers, such as those to storages, LNG terminals and protected customers as defined in Regulation (EU) No 994/2010 of the European Parliament and of the Council [\(5\)](#). This in-depth analysis should take into account assumptions made in the Union-wide ten-year network development plan pursuant to Article 8 of Regulation (EC) No 715/2009, national investment plans, relevant obligations under the applicable national laws and any relevant contractual obligations;

(2) the relevant transmission system operators shall apply a dynamic approach to re-calculating technical capacity, where appropriate in conjunction with the dynamic calculation applied for additional capacity on the basis of point 2.2.2(2) of Annex I to Regulation (EC) No 715/2009, jointly identifying the appropriate frequency for re-calculation per interconnection point and having regard to the particular specificities thereof;

(3) adjacent transmission system operators shall include other transmission system operators specifically affected by the interconnection point in the joint method;

(4) transmission system operators shall have regard to information that network users may provide with regard to expected future flows when re-calculating the technical capacity.

(b) the transmission system operators shall jointly assess at least the following parameters and where appropriate adjust them:

(1) pressure commitments;

- (2) all relevant demand and supply scenarios, including details on reference climatic conditions and network configurations associated with extreme scenarios;
 - (3) calorific value.
2. Where the optimisation of technical capacity causes costs to the transmission system operators, particularly costs that unevenly impact transmission system operators on either side of an interconnection point, transmission system operators shall be allowed to recover such efficiently incurred costs via the regulatory framework established by the relevant regulatory authorities in accordance with Article 13 of Regulation (EC) No 715/2009 or Article 42 of Directive 2009/73/EC. Article 8(1) of the Regulation (EC) No 713/2009 shall apply.
 3. Where appropriate, national regulatory authorities shall consult network users on the applied calculation method and joint approach.
 4. Changes in the amount of bundled capacity offered at interconnection points as a result of the process pursuant to paragraph 1 shall be included in the report of the Agency published pursuant to point 2.2.1(2) of Annex I to Regulation (EC) No 715/2009.

Article 7

Exchange of information between adjacent transmission system operators

1. Adjacent transmission system operators shall exchange nomination, re-nomination, matching and confirmation information at relevant interconnection points on a regular basis.
2. Adjacent transmission system operators shall exchange information about the maintenance of their individual transmission network in order to contribute to the decision making process with regard to the technical use of interconnection points. The procedures to exchange data between transmission system operators shall be integrated in their respective interconnection agreement.

CHAPTER III ALLOCATION OF FIRM CAPACITY

Article 8

Allocation methodology

1. Auctions shall be used for the allocation of capacity at interconnection points, unless provided otherwise in this Regulation.
2. At all interconnection points the same auction design shall apply. The relevant auction processes shall start simultaneously for all concerned interconnection points. Each auction process, relating to a single standard capacity product, shall allocate capacity independently of every other auction process except where, subject to the agreement of the directly involved transmission system operators and the approval of relevant national regulatory authorities, competing capacity is allocated. In case incremental capacity is offered, the independent allocation shall not apply to the simultaneous auction processes for the respective offer levels, since these are dependent on each other, as only one offer level can be allocated.

3. The standard capacity products shall follow a logical order by which products covering yearly capacity shall be offered first, followed by the product with the next shortest capacity duration for use during the same period. The timing of the auctions provided for in Articles 11 to 15 shall be consistent with this principle.
4. The rules on standard capacity products as set out in Article 9 and auctions as set out in Articles 11 to 15 shall apply to bundled capacity and unbundled capacity at an interconnection point.
5. For a given auction, the availability of the relevant standard capacity products shall be communicated in accordance with Articles 11 to 15 and according to the auction calendar.
6. An amount at least equal to 20 % of the technical capacity at each interconnection point shall be set aside and offered in accordance with paragraph 7, provided that the available capacity, at the time this Regulation enters into force, is equal to or greater than the proportion of technical capacity to be set aside. If the available capacity, at the time this Regulation enters into force, is less than the proportion of technical capacity to be set aside, the whole of any available capacity shall be set aside. This capacity shall be offered in accordance with paragraph 7(b), while any remaining capacity set aside shall be offered in accordance with paragraph 7(a).
7. Any capacity set aside pursuant to paragraph 6 shall be offered, subject to the following provisions:
 - (a) an amount at least equal to 10 % of the technical capacity at each interconnection point shall be offered no earlier than in the annual yearly capacity auction as provided for in Article 11 held in accordance with the auction calendar during the fifth gas year preceding the start of the relevant gas year; and
 - (b) a further amount at least equal to 10 % of the technical capacity at each interconnection point shall first be offered no earlier than the annual quarterly capacity auction as provided for in Article 12, held in accordance with the auction calendar during the gas year preceding the start of the relevant gas year.
8. In the case of ~~new~~incremental capacity, an amount at least equal to 10 % of the ~~technical~~incremental capacity at each interconnection point shall be set aside and offered no earlier than the annual quarterly capacity auction as provided for in Article 12, held in accordance with the auction calendar during the gas year preceding the start of the relevant gas year.
9. The exact proportion of capacity to be set aside in relation to paragraphs 6 and 8 shall be subject to a stakeholder consultation, alignment between transmission system operators and approval by national regulatory authorities at each interconnection point. National regulatory authorities shall in particular consider setting aside higher shares of capacity with a shorter duration to avoid foreclosure of downstream supply markets.

Article 9

Standard capacity products

1. Transmission system operators shall offer yearly, quarterly, monthly, daily and within-day standard capacity products.

2. Yearly standard capacity products shall be the capacity, which may be applied for, in a given amount, by a network user for all gas days in a particular gas year (starting on the 1st of October).
3. Quarterly standard capacity products shall be the capacity, which may be applied for, in a given amount, by a network user for all gas days in a particular quarter (starting on the 1st of October, 1st of January, 1st of April or the 1st of July respectively).
4. Monthly standard capacity products shall be the capacity, which may be applied for, in a given amount, by a network user for all gas days in a particular calendar month (starting on the 1st day of each month).
5. Daily standard capacity products shall be the capacity, which may be applied for, in a given amount, by a network user for a single gas day.
6. Within-day standard capacity products shall be the capacity, which may be applied for, in a given amount, by a network user from a start time within a particular gas day until the end of the same gas day.

Article 10

Applied capacity unit

The capacity offered shall be expressed in energy units per unit of time. The following units shall be used: kWh/h or kWh/d. In case of kWh/d a flat flow rate over the gas day is assumed.

Article 11

Annual yearly capacity auctions

1. The yearly capacity auctions shall be held once a year.
2. Capacity for each yearly standard capacity product shall be auctioned through the annual yearly capacity auction using an ascending-clock auction algorithm in accordance with Article 17.
3. The auction process shall offer capacity for no longer than the upcoming 15 years gas years for existing capacity. Incremental capacity may be offered in yearly capacity auctions for a maximum of 15 years after the start of operational use.
4. Annual yearly capacity auctions shall start on the first Monday of March-July each year unless otherwise specified in the auction calendar.
5. During the annual yearly capacity auction network users shall be able to participate in one or several concurrent auctions in relation to each interconnection point in order to apply for standard capacity products.
6. The capacity to be offered during the annual yearly capacity auction shall be equal to:

$$A - B - C + D + E - F$$

Where:

A is the transmission system operator's technical capacity for each of the standard capacity products;

B₁ for annual yearly auctions offering capacity for the next five years, is the amount of technical capacity (A) set aside in accordance with Article 8(7)(b); for annual yearly auctions for capacity beyond the first five years, is the amount of technical capacity (A) set aside in accordance with Article 8(7);

C₁ is the previously sold technical capacity, adjusted by the capacity which is re-offered in accordance with applicable congestion management procedures;

D₁ is additional capacity, for such year, if any.

E₁ is the incremental capacity for such year included in a respective offer level, if any;

F₁ is the amount of incremental capacity (E), if any, set aside in accordance with Article 8(8) and 8(9).

7. The capacity to be offered may be either bundled capacity or unbundled capacity in accordance with Article 19. This also applies to all other auctions as set out in Articles 12 to 15.

8. ~~One~~At least one month before the auction starts, transmission system operators shall notify network users about the amount of technical capacity to be offered for each year for the upcoming annual yearly capacity auction. ~~In addition the transmission system operators shall notify network users whether any additional capacity may be made available.~~

9. The bidding rounds of each auction shall take place between 08:00 UTC to 17:00 UTC (winter time) or 07:00 UTC to 16:00 UTC (daylight saving) on all relevant gas days. Bidding rounds shall be opened and closed within each gas day, as specified in Article 17(2)

10. The allocation results of the auction shall be published, as soon as reasonably possible, and no later than the next business day after the closing of the bidding round, simultaneously to individual network users participating in the respective auction.

In case of incremental capacity, the binding commitments of network users for contracting capacity including whether the conditions for a repeated auction according to Article 20c(3) are met shall be made available no later than the next business day after the closing of the bidding round, simultaneously to individual network users participating in the respective auction. The results of the economic tests shall be made available no later than two business days after the closing of the bidding round, simultaneously to individual network users participating in the respective auction.

11. Aggregated information on auction results shall be published to the market.

Article 12

Annual quarterly capacity auctions

1. The annual quarterly capacity auction shall be held once a year.

2. Capacity for each quarterly standard capacity product shall be auctioned through the annual quarterly capacity auction using an ascending-clock auction algorithm in accordance with Article 17.

3. Each gas year, capacity for each quarter from the first quarter (October-December) of the upcoming gas year to the last quarter (July-September) of the upcoming gas year (inclusive) shall be auctioned through the annual quarterly capacity auction.
4. During the annual quarterly capacity auction network users shall be able to participate in one to four concurrent auctions in relation to each interconnection point in order to apply for quarterly standard capacity products.
5. Annual quarterly capacity auctions shall start on the first Monday of ~~June~~August each year unless otherwise specified in the auction calendar.
6. The capacity to be offered in the annual quarterly capacity auction shall be equal to:

$$A - C + D$$

Where:

A is the transmission system operator's technical capacity for each of the standard capacity products;

C is the previously sold technical capacity, adjusted by the capacity which is re-offered in accordance with applicable congestion management procedures;

D is additional capacity, for such quarter, if any.

7. Two weeks before the auction starts, transmission system operators shall notify network users about the amount of capacity to be offered for each quarter for the upcoming annual quarterly capacity auction. ~~In addition the transmission system operators shall notify network users whether any additional capacity may be made available.~~

8. The bidding rounds of each auction, shall take place between 08:00 UTC to 17:00 UTC (winter time) or 07:00 UTC to 16:00 UTC (daylight saving) on all relevant Gas Days. Bidding rounds shall be opened and closed within each gas day, as specified in Article 17(2).

9. The allocation results of the auction shall be published, as soon as reasonably possible, and no later than the next business day after the closing of the bidding round, simultaneously to individual network users participating in the respective auction.

10. Aggregated information on the auction results shall be published to the market.

Article 13

Rolling monthly capacity auctions

1. The rolling monthly capacity auction shall be held once a month.
2. Capacity for each monthly standard capacity product shall be auctioned through the rolling monthly capacity auction using an ascending-clock auction algorithm according to Article 17. Each month, the monthly standard capacity product for the following calendar month shall be auctioned.
3. During the rolling monthly capacity auction network users shall be able to apply for one monthly standard capacity product.

4. Rolling monthly capacity auctions shall start on the third Monday of each month for the following monthly standard capacity product unless otherwise specified in the auction calendar.
5. The capacity to be offered in the rolling monthly capacity auction shall be, each month, equal to:

$$A - C + D$$

Where:

A is the transmission system operator's technical capacity for each of the standard capacity products;

C is the previously sold technical capacity, adjusted by the capacity which is re-offered in accordance with applicable congestion management procedures;

D is additional capacity, for such month, if any.

6. One week before the auction starts, transmission system operators shall notify network users about the amount of capacity to be offered for the upcoming rolling monthly capacity auction. ~~In addition the transmission system operators shall notify network users whether any additional capacity may be made available.~~

7. The bidding rounds of each auction shall take place between 08:00 UTC to 17:00 UTC (winter time) or 07:00 UTC to 16:00 UTC (daylight saving) on all relevant gas days. Bidding rounds shall be opened and closed within each gas day, as specified in Article 17(2).

8. The allocation results of the auction shall be published, as soon as reasonably possible, and no later than the next business day after the closing of the bidding round, simultaneously to individual network users participating in the respective auction.

9. Aggregated information on the auction results shall be published to the market.

Article 14

Rolling day ahead capacity auctions

1. The rolling day-ahead capacity auction shall be held once a day.
2. Every day, a standard capacity product for the following gas day shall be auctioned through the rolling day ahead capacity auction.
3. Capacity for each daily standard capacity product shall be auctioned through the rolling day-ahead capacity auction using a uniform price auction algorithm according to Article 18. Each day, the daily standard capacity product for the following gas day shall be auctioned.
4. During the rolling day-ahead capacity auction network users shall be able to apply for capacity for one daily standard capacity product.
5. The bidding round shall open every day at 15:30 UTC (winter time) or 14:30 UTC (daylight saving).

6. A capacity bid for the daily standard capacity product for the rolling day ahead capacity auction shall be handled as follows: submission, withdrawal or amendment from 15:30 UTC to 16:00 UTC (winter time) or 14:30 UTC to 15:00 UTC (daylight saving).

7. The capacity to be offered in the rolling day ahead capacity auction shall be, each day, equal to:

$$A - C + D$$

Where:

A is the transmission system operator's technical capacity for each of the standard capacity products;

C is the previously sold technical capacity, adjusted by the capacity which is re-offered in accordance with applicable congestion management procedures;

D is additional capacity, for such day, if any.

8. At the time the bidding round opens, transmission system operators shall notify network users about the amount of capacity to be offered for the upcoming rolling day-ahead capacity auction. ~~In addition the transmission system operators shall notify network users whether any additional capacity may be made available.~~

9. The allocation results of the auction shall be published, no later than 30 minutes after the closing of the bidding round, simultaneously to individual network users participating in the respective auction.

10. Aggregated information on the auction results shall be published to the market.

Article 15

Within-day capacity auctions

1. Subject to capacity being made available, a within-day capacity auction shall be held every hour during gas day using a uniform price auction algorithm in accordance with Article 18.

2. The first bidding round shall open directly on the next hour bar following the publication of results of the last day-ahead auction (including interruptible if offered) in accordance with Article 14. The first bidding round closes at 01:30 UTC (winter time) or 00:30 UTC (daylight saving) before the gas day. The allocation of successful bids shall be effective from 05:00 UTC (winter time) or 04:00 UTC (daylight saving) on the relevant gas day.

3. The last bidding round shall close at 00:30 UTC (winter time) or 23:30 UTC (daylight saving) on the relevant gas day.

4. Network users shall be entitled to place, withdraw or amend bids from the opening of each bidding round until closure of that bidding round.

5. Each hour on the relevant gas day, capacity effective from the hour + 4 shall be auctioned as within-day capacity.

6. Each bidding round shall open at the start of every hour on the relevant gas day.

7. The duration of each bidding round shall be 30 minutes as of the opening of the bidding round.
8. The capacity to be offered in the within-day capacity auction shall be, each hour, equal to:

$$A - C + D$$

Where:

A is the transmission system operator's technical capacity for each of the standard capacity products;

C is the previously sold technical capacity, adjusted by the capacity which is re-offered in accordance with applicable congestion management procedures;

D is additional capacity, if any.

9. Transmission system operators shall publish the available amount of within-day firm capacity on offer, after closure of the last day-ahead auction and in accordance with Article 21(9).
10. Transmission system operators shall provide network users who bid in the day-ahead auctions with the option to have valid unsuccessful bids automatically entered into the subsequent within-day auction.
11. The capacity shall be allocated within 30 minutes of the closure of the bidding round provided that the bids are accepted and the transmission system operator runs the allocation process.
12. The results of the auction shall be made available simultaneously to individual network users.
13. Aggregated information on the auction results shall be published at least at the end of each day.

Article 16

Auction algorithms

1. If several standard capacity products are offered during an auction, the respective allocation algorithm shall be applied separately for each standard capacity product when it is being allocated. Bids for the different standard capacity products shall be considered independently from each other in the application of the auction algorithm.
2. For annual yearly, annual quarterly and rolling monthly capacity auctions, an ascending clock auction algorithm, with multiple bidding rounds, as provided for in Article 17, shall be applied.
3. For rolling day-ahead capacity auctions and within-day capacity auctions, a uniform-price auction algorithm, with a single bidding round, shall be applied in accordance with Article 18.

Article 17

Ascending Clock auction algorithm

1. Ascending Clock auctions shall enable network users to place volume bids against escalating prices announced in consecutive bidding rounds, starting at the Reserve Price P_0 .

2. The first bidding round, with an associated price equal to the Reserve Price P_0 , shall have a duration of 3 hours. Subsequent Bidding Rounds shall have a duration of 1 hour. There shall be a period of 1 hour between Bidding Rounds.
3. A bid shall specify:
 - (a) the identity of the network user applying;
 - (b) the concerned interconnection point and direction of the flow;
 - (c) the standard capacity product for which the capacity is applied for;
 - (d) per price-step, the amount of capacity for the respective standard capacity; product applied for:
 - (e) ~~product applied for.~~ where incremental capacity is offered, the concerned offer level.
4. A bid shall be considered valid if it is submitted by a network user and complies with all provisions of this Article.
5. In order for network users to participate in an auction, it shall be mandatory to place a volume bid in the first bidding round.
6. Transmission system operators shall provide network users with the option to enter bids automatically against any price step.
7. Once the relevant bidding round closes, no modification, withdrawal or variation to valid bids shall be accepted. All valid bids shall become binding commitments of a network user to book capacity to the amount requested per announced price, provided the clearing price of the auction is that announced in the relevant bidding round.
8. The volume bid in any bidding round per network user shall be equal or smaller to the capacity offered in a specific auction. The volume bid per network user at a specific price shall be equal to or less than the volume bid placed by this network user in the previous round, except where paragraph 16 applies.
9. Bids may be freely entered, modified and withdrawn during a Bidding Round, providing all bids comply with paragraph 8. Valid bids shall remain valid until modified or withdrawn.
10. A large price step and a small price step shall be defined per interconnection point and per standard capacity product and published in advance of the relevant auction. The small price step shall be set such that an increase by an integer number of small price steps is equal to an increase by a large price step.
11. The determination of the large price step shall seek to minimise, as far as reasonably possible, the length of the auction process. The determination of the small price step shall seek to minimise, as far as reasonably possible, the level of unsold capacity where the auction closes at a price higher than the reserve price.
12. If the aggregate demand across all network users is less than or equal to the capacity offered at the end of the first bidding round, the auction shall close.
13. If the aggregate demand across all network users is greater than the capacity offered at the end of the first bidding round or a subsequent bidding round, a further bidding round shall be opened with a price equal to the price in the previous bidding round, plus the large price step.

14. If the aggregate demand across all network users is equal to the capacity offered at the end of the second bidding round or a subsequent bidding round, the auction shall close.
15. If a first time undersell occurs, a price reduction shall take place and a further bidding round shall be opened. The further bidding round will have a price equal to the price applicable in the bidding round preceding the first time undersell, plus the small price step. Further bidding rounds with increments of the small price step shall then be opened until the aggregate demand across all network users is less than or equal to the capacity offered, at which point the auction shall close.
16. The volume bid per network user in ~~the first~~ bidding rounds where small price steps are applied shall be equal to or less than the volume bid placed by this network user in the bidding round which preceded the first-time undersell. The volume bid per network user for a specific small price step shall be equal to or smaller than the volume bid placed by this network user in the previous bidding round of small price steps. Additionally, the following rule shall apply: The volume bid per network user in all bidding rounds where small price steps are applied shall be equal to or greater than the volume bid placed by this network user during the bidding round in which the first-time undersell occurred.
17. If the aggregate demand across all network users is greater than the capacity offered in the bidding round with a price equal to that which led to the first time undersell, minus one small price step, the auction shall close. The clearing price shall be the price that led to the first time undersell and the successful bids shall be those submitted during the original bidding round in which the first time undersell occurred.
18. After each bidding round, the demand of all network users in a specific auction shall be published as soon as reasonably possible in an aggregated form.
19. The price announced for the last bidding round in which the auction closes shall be considered as the clearing price of the specific auction, except cases where paragraph 17 applies.
20. All network users who have placed valid volume bids at the clearing price are allocated the capacity according to their volume bids at the clearing price. Where incremental capacity is allocated, the allocation of incremental capacity shall be subject to the outcome of the economic test according to Article 43(2) and (3) of Regulation (EU) No XXX/201X (TAR NC) and any necessary subsequent approval processes. Successful network users shall pay the clearing price of the specific auction, which may be a fixed or a variable price as set out in Article 26(2), and any other possible charges applicable at the time when the capacity allocated to them can be used.
21. Following every closed auction, the final auction result including the aggregation of allocated capacities and the clearing price shall be published. Successful network users shall be informed about the amount of capacities they are allocated, individual information shall be communicated only to concerned parties. Where incremental capacity is allocated, this shall only apply to the auction results of the offer level offering the largest amount of capacity that resulted in a positive economic test according to Article 43(3) of Regulation (EU) No XXX/201X (TAR NC).
22. If an ascending clock auction has not ended by the scheduled starting point (according to the auction calendar) of the next auction for capacity covering the same period, the first auction shall close and no capacity shall be allocated. The capacity shall be offered in the next relevant auction.

Uniform-Price auction algorithm

1. In a uniform price auction, there is a single bidding round in which the network user bids price as well as quantity.
2. During the bidding round of a given auction, network users may submit up to 10 bids. Each bid shall be treated independently from other bids. After the closure of the bidding round, remaining bids may not be amended or withdrawn.
3. A bid shall specify:
 - (a) the identity of the network user applying;
 - (b) the concerned interconnection point and direction of the flow;
 - (c) the standard capacity product for which the capacity is applied for;
 - (d) the amount of capacity for the respective standard capacity product applied for, which shall be equal to or smaller than the capacity offered in a specific auction;
 - (e) the minimum amount of capacity for the respective standard capacity product which the network user is willing to be allocated according to the relevant algorithm in case the network user is not allocated the amount requested in accordance with point (d);
 - (f) the bid prices, which shall not be less than the reserve price applicable for the relevant standard capacity product, which the network user is willing to pay in respect of the capacity applied for. Bids with a bid price below the reserve price shall not be accepted.
4. The transmission system operator shall rank all bids relating to a given standard capacity product according to their bid price, the highest price ranking first.
5. All remaining bids at bidding round closing time shall be considered as binding on those network users that are allocated at least the minimum amount of capacity requested in accordance with point (e) of paragraph 3.
6. Following the ranking of the bids in accordance with paragraph 4, and subject to paragraphs 7 to 10, capacity shall be allocated to the bids in function of their price ranking. All bids for which capacity is allocated shall be considered as successful. After the allocation of capacity, the remaining unallocated capacity shall be reduced by such quantity.
7. Following the application of paragraph 6 and subject to paragraph 9, where the amount of capacity bid for by a network user exceeds the remaining unallocated capacity (after capacity has been allocated to network users placing higher bids), this network user shall be allocated capacity equal to the remaining unallocated capacity.
8. Following the application of paragraph 7 and subject to paragraph 9, where each of two or more bids specifies the same bid price, and the amount of relevant capacity remaining applied for in aggregate under such bids exceeds the remaining unallocated amount, the remaining unallocated amount shall be allocated pro rata to the amounts applied for in each such bid.
9. Where the amount to be allocated in respect of a bid pursuant to paragraph 6, 7 or 8 is less than the minimum amount of capacity according to paragraph 3(e), the bid shall be ~~disregarded and become null and void~~ considered unsuccessful, and a revised allocation shall be made between

remaining equal price bid(s) under paragraph 8, or (as the case may be) an allocation shall made in respect of the next priced bid, pursuant to paragraph 6.

10. Where the remaining amount to be allocated in respect of any bid pursuant to paragraphs 6, 7, 8 or 9 is equal to zero no further capacity shall be allocated to the remaining bids. Those bids shall be considered unsuccessful.

11. The clearing price shall be defined as the price of the lowest successful bid, if the demand exceeds the offer at the reserve price. In all other cases, the clearing price shall be equal to the reserve price. Successful network users shall pay the clearing price of the specific auction, which may be a fixed or a variable price as set out in Article 26(2) and any other possible charges applicable at the time when the capacity allocated to them can be used.

CHAPTER IV

BUNDLING OF ~~CROSS-BORDER~~ CAPACITY AT INTERCONNECTION POINTS

Article 19

Bundled Capacity products

Adjacent transmission system operators shall jointly offer bundled capacity products, according to the following principles:

- (1) on both sides of an interconnection point all firm capacity shall be offered as bundled capacity, in so far as there is available firm or incremental capacity on both sides of the interconnection point;
- (2) transmission system operators shall offer capacity for the relevant standard capacity product on a booking platform, in accordance with Article 27 and in accordance with the applicable allocation procedure, as set out in Chapter III;
- (3) the bundled capacity to be offered by the transmission system operators concerned at an interconnection point shall be contracted through a single allocation procedure;
- (4) network users shall comply with applicable terms and conditions of the transport contract(s) of the transmission system operators concerned as from the time the transport capacity is contracted;
- (5) where there is more available firm capacity on one side of an interconnection point than on the other side for any period considered, the transmission system operator with the most available firm capacity may offer such extra capacity to the network users as an unbundled product in accordance with the auction calendar and the following rules:
 - (a) where there is an existing unbundled transport contract at the other side of the interconnection point, capacity may be offered on an unbundled basis not exceeding the amount and duration of the existing transport contract at the other side;
 - (b) where such extra capacity would not fall under paragraph 5 (a), it may be offered for a maximum period of one year;

- (6) any unbundled capacity allocated in accordance with paragraph 5 may be used and nominated as such. It may also be traded on the secondary market;
- (7) adjacent transmission system operators shall establish a joint nomination procedure for bundled capacity, providing network users with the means to nominate the flows of their bundled capacity via a single nomination;
- (8) the obligations to offer bundled capacity also apply, to the extent that they are relevant, to secondary capacity markets. Without prejudice to paragraph 1, capacity originally allocated as bundled capacity can only be resold as bundled capacity on the secondary market;
- (9) where two or more interconnection points connect the same two adjacent entry-exit systems, the adjacent transmission system operators concerned shall offer the available capacities at the interconnection points at one virtual interconnection point. In case more than two transmission system operators are involved because capacity in one or both entry-exit systems is marketed by more than one transmission system operator, the virtual interconnection point shall include all of these transmission system operators, to the extent possible. In all cases a virtual interconnection point shall be established only if the following conditions are met:
 - (a) the total technical capacity at the virtual interconnection points shall be equal to or higher than the sum of the technical capacities at each of the interconnection points contributing to the virtual interconnection points;
 - (b) they facilitate the economic and efficient use of the system including but not limited to rules set out in Article 16 of Regulation (EC) No 715/2009.

Adjacent transmission system operators shall start the necessary analysis and, shall establish functional virtual interconnection points no later than 5 years after the entering into force of this Regulation.

Article 20

Bundling in case of existing transport contracts

1. The network users who are parties to ~~existing unbundled~~ 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.
2. The transmission system operators who are parties to the existing transport contracts may participate in the discussions regarding the bundling arrangement at any time, upon invitation of the network users who are parties to the existing transport contracts.
3. Where a bundling arrangement is agreed upon between respective network users, the transmission system operators involved at the interconnection point shall be informed by the

parties of such intended bundling arrangement without undue delay and the transfer of the concerned capacity shall be implemented. In any case, the bundling arrangement shall be implemented subject to the applicable terms and conditions of existing related transport contracts. Once the bundling arrangement is implemented, the relevant capacity shall be treated as bundled capacity.

4. In any case, the duration of the bundling arrangements regarding the capacity bundled under the amendment of the existing contracts shall not exceed the duration of the original transport contracts.

5. All capacity shall be bundled at the earliest opportunity. Existing transport contracts for unbundled capacity cannot be renewed, prolonged or rolled over after their expiration date. Such capacity shall become available capacity as of the expiration date of the transport contracts.

CHAPTER IVa **INCREMENTAL PROCESS**

Article 20a

Market demand assessment

1. Immediately after the start of the annual yearly capacity auction in each odd-numbered year, transmission system operators shall co-operate in the processes of assessing market demand for incremental capacity and of conducting technical studies for incremental capacity projects for their joint interconnection points.

2. No later than 8 weeks after the start of the annual yearly capacity auction in odd-numbered years, the concerned transmission system operators on both sides of an entry-exit system border shall in particular co-operate to produce common market demand assessment reports, each covering all interconnection points of at least one entry-exit system border.

3. The market demand assessment report shall be published no later than 16 weeks after the start of the annual yearly capacity auction in odd-numbered years. The market assessment report shall evaluate the prospective demand for incremental capacity of all network users according to paragraph 8, confirm whether an incremental capacity project is initiated and be published at least in English. ENTSOG shall coordinate the process by providing a harmonised structure or template for the market demand assessment reports, facilitating the timely completion of the reports as well as collecting and publishing the reports jointly on ENTSOG's website, in addition to the transmission system operators' individual publications on their websites.

4. If demand for incremental capacity is expressed no later than 8 weeks after the start of the annual yearly auction in even-numbered years, transmission system operators may process market demand for incremental capacity also in an even-numbered year as long as a) the process of Art. 20a-d can be concluded before the start of the next demand assessment cycle referred to in paragraph 1, b) the auction calendar is respected and c) the involved transmission system operators agree to process market demand for incremental capacity also in an even-numbered year.

5. Network users should submit demand indications no later than 8 weeks after the start of the annual yearly auction. Demand indications received no later than 8 weeks after the start of the

annual yearly auction shall contribute to the transmission system operators' market demand assessment.

6. Ad-hoc demand indications can be communicated at any time to the transmission system operator, giving the transmission system operator the possibility to consider the additional ad-hoc demand indications in the ongoing process, if existent, or to introduce it into the next demand assessment process.

7. Non-binding demand indications shall contain at least the following information:

(a) the two or more adjacent entry-exit systems between which demand for incremental capacity is expressed and the requested direction;

(b) the gas year(s) for which a demand for incremental capacity is expressed;

(c) the amount of capacity demanded between the respective entry-exit systems;

(d) information on non-binding demand indications which were or will be submitted to other transmission system operators, in case such indications are linked to each other, such as demand for capacities at several related interconnection points;

(e) if applicable, information on the potential for further conditional demand indications.

8. Transmission system operators shall respond to non-binding demand indications within 16 weeks after the start of the annual yearly auctions, or within 8 weeks of receipt of ad-hoc demand indications according to paragraph 6. The response shall provide at least the following:

(a) whether the demand indicated can be considered by the transmission system operator in the ongoing process; or

(b) whether in the case of ad-hoc demand indications they are sufficient to consider the initiation of an incremental capacity process according to paragraph 4; or

(c) in which market demand assessment report, according to paragraph 3, the indicated demand will be assessed, provided that the demand indicated cannot be considered under (a) or (b), which is to be justified.

9. A transmission system operator may charge fees for activities resulting from the submission of non-binding demand indications. If a fee is applied, it shall be subject to approval by the relevant national regulatory authority and published on the transmission system operator's website. Such fees shall be reimbursed to the respective network user if the economic test for at least one offer level that includes incremental capacity at the respective interconnection point is positive.

10. The market demand assessment report shall take into account the following criteria:

(a) whether the Community-wide Ten Year Network Development Plan identifies a physical capacity gap whereby a specific region is undersupplied in a reasonable peak scenario and where offering incremental capacity at the interconnection point in question could close the gap; or a national network development plan identifies a concrete and sustained physical transport requirement;

(b) whether no yearly standard capacity product linking two adjacent entry-exit systems is available in the annual yearly capacity auction for the year in which incremental capacity could be

offered for the first time and in the three subsequent years, because all the capacity has been contracted;

(c) whether network users submitted non-binding demand indications requesting incremental capacity for a sustained number of years and all other economically efficient means for maximising the availability of existing capacity are exhausted.

11. The market demand assessment report shall include at least the following:

(a) a conclusion on whether to initiate an incremental capacity project;

(b) the aggregated non-binding demand indications received no later than 8 weeks after the start of the annual yearly capacity auction in the year of the publication of the respective demand assessment report;

(c) an assessment of the expected amount, direction and duration of demand for incremental capacity at the common interconnection points with each adjacent entry-exit system or interconnectors;

(d) a conclusion on whether, for which interconnection points and for which expected demand level, technical studies for incremental capacity projects will be conducted;

(e) provisional timelines for the incremental capacity project, technical studies and the consultation described in Article 20b(3);

(f) the aggregated non-binding demand indications submitted by network users during the previous incremental capacity process, but after the deadline for non-binding demand indications;

(g) a conclusion on what fees, if any, will be introduced, according to paragraph 9;

(h) the types (and - if already expressed - the aggregated size) of conditional demand indications according to paragraph 7(e).

12. Transmission system operators and the relevant national regulatory authorities shall publish respective points of contact for incremental capacity projects initiated at the publication of the market demand assessment report and update this information on a regular basis throughout the project.

Article 20b

Design phase

1. The day after the publication of the market demand assessment report, the design phase shall start, if demand and resulting projects are identified in the demand assessment report.

2. Transmission system operators active at the respective interconnection point shall conduct technical studies for incremental capacity projects in order to design the incremental capacity project and co-ordinated offer levels (design phase) based on the market demand assessment reports.

3. No later than 12 weeks after the start of the design phase, the relevant transmission system operators shall conduct a joint public consultation on the draft project proposal at least in the

English language for a minimum of 1 month and no longer than 2 months. These operators shall take all reasonable steps to ensure cross-border co-ordination.

The consultation shall cover at least the following elements:

- (a) a description of the incremental capacity project;
- (b) the offer levels for bundled capacity products at the interconnection point;
- (c) where relevant, the relevant transmission system operators' proposed need for and the design of an alternative allocation procedure based on the conditional demand indications of network users, which may also be expressed during the consultation;
- (d) provisional timelines of the incremental capacity project;
- (e) general rules and conditions that a network users must accept to participate and access capacity in the binding capacity allocation phase of the incremental capacity project, including any collateral to be provided by network users and how possible delays in the provision of capacity or the event of a disruption to the project are dealt with contractually;
- (f) where a fixed price approach is followed for the incremental capacity project, the elements IND and RP described in Article XX of Regulation (EU) No XXX/201X (TAR NC);
- (g) the level of user commitments (estimated f-factor), which is proposed and later to be approved by the concerned national regulatory authorities; and
- (h) any additional (ad-hoc) demand indications received.

4. In the process of designing co-ordinated offer levels, the transmission system operators shall closely cooperate with the involved national regulatory authorities and coordinate across borders in order to enable offers of incremental capacity as bundled products. The project proposal and design of co-ordinated offer levels shall take into account the results of the consultation described in paragraph 3.

5. -Following the consultation and finalisation of the design phase for an incremental capacity project, the involved transmission system operators shall submit the project proposal for an incremental capacity project to the relevant national regulatory authorities for coordinated approvals. The project proposal shall also be published by the involved transmission system operators at least in English and shall include at least the following information:

- (a) all offer levels, reflecting the range of expected demand for incremental capacity at the relevant interconnection points as a result of the processes described in paragraph 3 and Article 20a.
- (b) the general rules and conditions that a network user must accept to participate and access capacity in the binding capacity allocation phase of the incremental capacity project, including any collaterals to be provided by network users and how possible delays in the provision of capacity or the event of a disruption to the project are dealt with contractually.
- (c) timelines of the incremental capacity project, including any changes since the consultation described in paragraph 3, and measures to prevent delays and minimise the impact of delays;
- (d) the parameters defined in Article 46(1) of Regulation (EU) No XXX/201X (TAR NC);

(e) whether an exceptionally extended time horizon for collecting unilaterally binding commitments of network users for contracting capacity for an additional period of up to 5 years beyond the allocation of up to 15 years after the start of the operational use may be required;

(f) whether the criteria are met to warrant an alternative allocation rule according to Article 20d(2), including a justification and to what extent and which terms will be allowed for conditional bids in the binding phase according to Article 20d(3)

(g) where an alternative allocation mechanism is deemed necessary under paragraph 3b, a detailed description of the alternative allocation rule;

(h) where a fixed price approach is followed for the incremental capacity project, the elements described in Article 42(1)(b) of Regulation (EU) No XXX/201X (TAR NC).

6. The relevant national regulatory authorities shall concurrently publish co-ordinated decisions on the project proposal defined in paragraph 5 and include justifications for the decision, at least in English and within six months of receipt of the complete project proposal by the last of those regulatory authorities. National regulatory authorities shall inform each other upon receipt of the project proposal and its completeness in order to determine the start of the six months period.

When preparing the national regulatory authority's decision, each national regulatory authority shall take into consideration the views of the other national regulatory authorities involved.

If a relevant national regulatory authority objects to the submitted project proposal, it will advise the other involved national regulatory authorities as soon as possible. In such a situation, all the national regulatory authorities involved should take all reasonable steps to work together and reach a common agreement.

Where the relevant national regulatory authorities cannot reach an agreement on the proposed alternative allocation mechanism within the prescribed period, the involved national regulatory authorities shall coordinate to direct the transmission system operators to allocate incremental capacity using the auction mechanism as described in Article 20c.

7. Upon the publication of the decisions of the relevant national regulatory authorities according to paragraph 6 and no later than two months before the offer of incremental capacity in the annual yearly capacity auction, the transmission system operators shall publish jointly a notice at least in English including the following minimum information

(a) the information defined in paragraph 5 as approved by the national regulatory authorities;

b) a template of the legally binding agreement(s) related to the capacity offered.

8. Based on the information submitted by the transmission system operators involved in an incremental capacity project, the relevant national regulatory authorities shall issue co-ordinated decisions on the parameters of a single economic test to assess the economic viability of the incremental capacity project, according to Article 45 of Regulation (EU) No XXX/201X (TAR NC).

Article 20c

Auctioning of incremental capacity

1. The involved transmission system operators shall offer the incremental capacity together with the respective available capacity in the annual yearly capacity auction as standard bundled products in ascending clock auctions according to Article 17 as a default and in accordance with Articles 8(8), 8(9) and 19.

2. The auctions for the respective offer levels shall be conducted in parallel and independently from each other in accordance with Article 17 and subject to Article 8(2).

3. In order to minimise potential auction premia and to achieve a positive economic test outcome for the highest possible offer level, a new auction may be initiated for one time only if:

(a) there were at least two offer levels set by the transmission system operators before the start of the auctions described in paragraph 2; and

(b) at least one offer level was unsuccessful and resulted in a negative economic test; and

(c) the next smaller offer level of the lowest unsuccessful offer level resulted in a positive economic test, and cleared with an auction premium for at least one yearly standard capacity product.

If these conditions are met, the new auction may be initiated for the lowest unsuccessful offer level described in sub-paragraph (b).

4. If the new auction does not result in a positive economic test outcome, the allocation results of the original auction described in sub-paragraph (c) will prevail according to Articles 17(20) and 17(21).

Article 20d

Principles for alternative capacity allocation mechanisms

1. An alternative capacity allocation mechanism covers a maximum of 15 years after the start of operational use. An exceptionally extended time horizon on top of the 15 years and for up to 5 additional years for unilaterally binding commitments may be allowed by national regulatory authorities, if the economic test could not be passed based on the 15 years' bookings. . The unilaterally binding commitment obliges the network user to place a bid at the reserve price in each of the additional years in the respective annual yearly capacity auctions following the one-time application of the alternative capacity allocation mechanism.

2. An alternative capacity allocation mechanism can be used, subject to national regulatory authorities' approvals, where it is reasonable to conclude, from the market feedback during the demand assessment phase or during the consultation defined in Article 20b(3), that the ascending clock auction is not suitable due to a clear need expressed for conditional bids to be allowed during the allocation procedure, as follows:

(a) the incremental capacity project involves more than two entry-exit systems and bids are requested along several interconnection points during the allocation procedure; or

(b) bids spanning a number of different yearly capacity products at an interconnection point are requested and it is substantiated by transmission system operators and supported by the public

consultation that these bids, if fulfilled, are not detrimental to competition or the effective functioning of the internal gas market.

3. Binding conditional bids for contracting capacity, whereby the allocation of a given yearly standard capacity product is subject to fulfilling a specified condition, may be submitted by network users in an alternative capacity allocation mechanism subject to paragraph 4.

In accordance with Article 20b(5)(f), the transmission system operators shall specify in the project proposal which of the following conditions between binding commitments of network users for contracting capacity are admitted in the binding phase of the alternative capacity allocation mechanism:

(a) commitments across a specified time period and a number of different yearly standard capacity products at an interconnection point;

(b) commitments linking or excluding commitments at other interconnection points; or

(c) commitments conditional on the allocation of a specific or minimum amount of capacity.

4. The alternative capacity allocation mechanism is subject to approvals by the concerned national regulatory authorities according to Article 20b paragraph (6). The mechanism shall be transparent, non-discriminatory and shall not prioritise bids for higher amounts of capacity for a standard yearly capacity product.

If booking duration is prioritised, national regulatory authorities shall consider higher levels of capacity to be set aside according to Article 8 (8) – (9).

The transmission system operators and national regulatory authorities involved in the incremental process shall co-operate to ensure this.

5. All incremental processes using alternative allocation mechanisms shall aim at satisfying all expressed capacity demand, provided that the economic test outcome is positive at this offer level, taking also into consideration capacity amounts set aside for short-term reservation in accordance with Article 8(8) and 8(9).

CHAPTER V

INTERRUPTIBLE CAPACITY

Article 21

Allocation of interruptible services

1. Transmission system operators shall offer a daily capacity product for interruptible capacity in both directions at interconnection points where firm capacity has been offered but was sold out day-ahead. At unidirectional interconnection points where technical capacity is offered only in one direction, transmission system operators shall offer a daily product for interruptible capacity in the other direction. Transmission system operators may offer interruptible capacity products of longer duration as well.

2. If interruptible capacity is offered, this shall not be detrimental to the amount of firm capacity on offer. Transmission system operators shall not set aside capacity that can be offered as firm capacity in order to offer it as interruptible capacity.
3. To the extent interruptible capacity products other than daily products are offered, the same standard capacity products for firm capacity shall also apply for interruptible capacity, in terms of duration of the products.
4. To the extent interruptible capacity is offered, it shall be allocated via an auction process with the exception of within-day interruptible capacity.
5. Within-day interruptible capacity shall be allocated by means of an over-nomination procedure.
6. Within-day interruptible capacity shall only be allocated when firm capacity, whether technical capacity or additional capacity, is sold out.
7. Where auctions are held for any interruptible products longer than within-day transmission system operators shall, if known, publish the amounts of interruptible capacity on offer before the start of the auction process.
8. If offered, interruptible capacity shall be allocated by means of a separate auction after firm capacity of equal duration has been allocated, but before the auction of firm capacity with a shorter duration starts, with the exception of within-day interruptible capacity.
9. If offered, interruptible capacity auctions shall be conducted in accordance with the same design principles and timescales as applied for firm capacity. The exact timescales auction dates applied for the interruptible capacity auctions shall be detailed within the auction calendar with the exception of within-day interruptible capacity. For the annual yearly, annual quarterly and rolling monthly capacity auctions, the transmission system operators shall notify network users about the amount of interruptible capacity to be offered one week before the auction starts. In cases where an auction of firm capacity has not closed on the scheduled start day for the interruptible auctions, the interruptible auctions will open as soon as reasonably possible, and no later than the next business day after the closing of the respective auctions of firm capacity. In such cases, any change in the offered amounts should be notified at least 12 hours before the start of the respective interruptible capacity auction.

Article 22

Minimum interruption lead times

1. Interruptible capacities shall have minimum interruption lead times, which shall be decided jointly by adjacent transmission system operators.
2. The default minimum interruption lead time for a given gas hour shall be forty five minutes after the start of the re-nomination cycle for that gas hour. Where two transmission system operators wish to shorten the lead time for interruptions, any related agreement entered into between the transmission system operators shall be subject to competent national regulatory authority approval.

Article 23

Coordination of interruption process

The transmission system operator that initiates the interruption shall notify the relevant adjacent transmission system operator. Adjacent transmission system operators shall notify their respective affected network users as soon as possible, but with due regard to the reliability of the information.

Article 24

Defined sequence of interruptions

1. The order in which interruptions shall be performed, if the total of nominations exceeds the quantity of gas that can flow at a certain interconnection point, shall be determined based on the contractual timestamp of the respective transport contracts on an interruptible basis. In case of an interruption, transport contract coming into force earlier shall prevail over transport contract coming into force later.
2. If, after applying the procedure described in paragraph 1, two or more nominations are ranked at the same position within the interruption order and the transmission system operator does not interrupt all of them, a pro rata reduction of these specific nominations shall apply.
3. To accommodate the differences between the various interruptible capacity services within the Union, the adjacent transmission system operators shall implement and coordinate the joint procedures provided for in this Article on an interconnection point by interconnection point basis.

Article 25

Reasons for interruptions

Transmission system operators shall include reasons for interruptions either directly in their interruptible transport contracts or in the general terms and conditions that govern these contracts. Reasons for interruptions can include but are not limited to gas quality, pressure, temperature, flow patterns, use of firm contracts, maintenance, up- or downstream constraints, public service obligations and capacity management deriving from congestion management procedures.

CHAPTER VI

~~TARIFFS AND CAPACITY BOOKING PLATFORMS~~

Article 26

~~Tariffs~~

- ~~1. The tariff as calculated using the methodology set and/or approved by the national regulatory authority, or the tariff set and/or approved by the national regulatory authority, shall be used as the reserve price in all auctions for all standard capacity products for firm and interruptible capacity.~~
- ~~2. The payable price determined in a capacity auction can be either a fixed price or a variable price or be subject to other arrangements provided for in the applicable regulatory regime. The fixed price shall consist of the applicable tariff at the time of the auction plus the auction premium. The variable price shall consist of the applicable tariff at the time when the capacity can be used plus~~

~~the auction premium. The arrangements can be different for the capacities in a bundled product on either side of an interconnection point.~~

~~3. The appropriate tariff arrangements for the implementation of this Regulation shall be set out on a Union and/or national level in due time. These arrangements shall enable the due implementation of the capacity allocation mechanisms established by this Regulation, without incurring detrimental effects on the revenue and cash flow positions of transmission system operators, due to the implementation of this Regulation, in particular the provisions regarding the setting aside of a proportion of capacity, including new capacity, in accordance with Articles 2(3), 8(7), and 8(8) and Article 19(5)(b).~~

~~4. Auction revenues from bundled capacity need to be split between the transmission system operators placing capacities in bundled capacity. The reserve price of the bundled capacity shall be the sum of reserve prices of the capacities in the bundled capacity. All revenues from sales of bundled capacity shall be attributed to the contributing transmission system operators after each capacity transaction.~~

~~5. The revenues from the reserve price of bundled capacity shall be attributed to the transmission system operators in proportion to the reserve prices of their capacities in the bundled capacity. The revenues from the auction premium from bundled capacity above the reserve price shall be split according to agreement between the transmission system operators, approved by the relevant national regulatory authority, where appropriate, in advance of the auctions. Where no agreement is concluded before the auction, the revenues from the auction premium from bundled capacity shall be attributed to the transmission system operators in equal proportions.~~

~~6. National regulatory authorities shall approve over and under recovery mechanisms. Where a price cap regime is applied, the national regulatory authority shall approve the usage of revenues from capacity prices exceeding the respective tariff.~~

Article 27

Capacity booking platforms

1. Transmission system operators shall apply this Regulation by offering capacity by means of one or a limited number of joint web-based booking platforms. Transmission system operators can operate such platforms themselves or via an agreed party that, where necessary, acts on behalf of them towards the network users.

2. Joint booking platforms shall apply the following rules:

- (a) the rules and procedures for the offer and allocation of all capacity in accordance with Chapter III shall apply;
- (b) the establishment of a process to offer firm bundled capacity in accordance with Chapter IV shall have priority;
- (c) functionalities for network users to offer and obtain secondary capacity shall be provided;
- (d) in order to use the services of the booking platforms network users shall accede to and be compliant with all applicable legal and contractual requirements that enable them to book and use capacity on the relevant transmission system operators' network under a transport contract;

(e) capacity at any single interconnection point or virtual interconnection point shall be offered at not more than one booking platform.

3. The establishment of one or a limited number of joint booking platforms shall facilitate and simplify capacity booking at interconnection points across the Union for the benefit of network users. ~~To that end, ENTSOG shall, within six months after the entry into force of this Regulation, carry out a public consultation to identify the market needs. The consultation process shall last no more than six months, including the publication by ENTSOG of a report with the results of the consultation. The report shall identify options to implement the indicated market needs, having regard to costs and time, with a view to implement the most appropriate option, by transmission system operators or third parties on behalf of them.~~ Where appropriate, ENTSOG and the Agency shall facilitate this process.

CHAPTER VII

FINAL PROVISIONS

Article 28

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Without prejudice to Articles 6(1)a, 19 (last sentence), 20(1), 27(3), this Regulation shall apply from 1 November 2015.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 14 October 2013.

Editorial remarks

Article 3 on Definitions

The definitions shall be reordered in alphabetical order before adoption.

Article 11 on Annual yearly capacity auctions

The auction calendar changes, as marked under Article 11(4) shall be aligned with the application date of TAR NC (Regulation (EU) No XXX/201X).

Article 12 on Annual quarterly capacity auctions

The auction calendar changes, as marked under Article 12(5) shall be aligned with the application date of TAR NC (Regulation (EU) No XXX/201X).

Article 26 on Tariffs

The deletion of this article shall be in aligned with the application date of TAR NC (Regulation (EU) No XXX/201X).

Article 27(3) referring to the establishment of the Capacity booking platforms

The exhausted part of the article shall be deleted.

Article 28 on Entry into force

In the consolidated version of NC CAM this article shall be reviewed and the application dates reviewed for each amendment proposal as well as also aligned with NC TAR (Regulation (EU) No XXX/201X).